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Part I

SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 6—Motor Vehicle Fuel Tax

EMERGENCY RULE

12 CSR 10-6.100 Motor Fuel Tax Exemption for Operators of Public Mass Transportation Service

PURPOSE: Section 142.817, RSMo exempts operators of public mass transportation service from motor fuel tax. This rule explains how the exemption is to be claimed.

*EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency rule. This emergency rule is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency rule informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of enactment of TAFP CCS HCS SB 30 by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes impact them. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The*

director believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed August 14, 2007, effective August 28, 2007, expires February 23, 2008.

(1) In general, fuel used to operate public mass transportation services is not subject to Missouri motor fuel tax. Fuel that is not subject to Missouri motor fuel tax is subject to Missouri state and local sales tax, unless otherwise exempted under Chapter 144, RSMo.

(2) Basic Application.

(A) Operators of public mass transportation services who purchase fuel on or after August 28, 2007, and paid the Missouri motor fuel tax may obtain a refund of the tax. The operator of the public mass transportation service must certify to the department, on a form prescribed by the director, that the motor fuel will be used exclusively in the operation of the mass transportation service.

1. The operator must submit the claim on a form prescribed by the department within one (1) year of the date of purchase or April 15 of the year following the purchase, whichever is later.

2. The refund will equal the motor fuel tax, less all applicable state and local sales taxes unless the entity is otherwise exempt from Missouri sales tax.

(B) Ultimate vendors may make bulk sales of motor fuel to the exempt public mass transportation service on or after August 28, 2007, without collecting the state motor fuel tax. The ultimate vendor that purchased motor fuel and paid the Missouri motor fuel tax may obtain a refund if the ultimate vendor sold the motor fuel without charging the Missouri motor fuel tax.

1. Operators must furnish the ultimate vendor a Public Mass Transportation Operator Exemption Certificate in order to purchase the motor fuel without being charged the Missouri motor fuel tax. This form is available at the department's central office, or may be downloaded at <http://www.dor.mo.gov/tax/business/fuel/forms/index.htm>.

2. Any ultimate vendor who is a retailer, and not licensed as a supplier or distributor, must submit the claim on a form prescribed by the director within two (2) years of the date of purchase.

3. If the ultimate vendor is licensed as a Missouri supplier or distributor, the claim for refund must be submitted on a form prescribed by the director and must be filed within three (3) years of the date of purchase.

4. The ultimate vendor must collect and remit to the department any applicable state and local sales taxes at the rate in effect at the vendor's place of business.

(3) Examples.

(A) A public mass transportation service operator has vehicles that operate on gasoline or gasohol. The operator goes to the pump to fuel its vehicles. The operator will purchase the gasoline or gasohol subject to all taxes and may apply for a refund of the state motor fuel tax.

(B) A public mass transportation service operator has vehicles that operate on diesel fuel. The operator may purchase clear diesel fuel subject to the state motor fuel tax and apply for a refund or if allowed under federal law, it may purchase dyed diesel fuel, which is exempt from state and federal fuel tax. It is required to complete and provide the ultimate vendor with an exemption certificate prior to filling any vehicles or ordering any dyed diesel fuel.

(C) A public mass transportation service operator has bulk storage facilities for the motor fuel used to fuel its vehicles. The ultimate vendor who delivers the motor fuel may sell the product without charging the motor fuel tax. The ultimate vendor would charge any applicable sales tax unless the operator is exempt from sales tax under state law. The ultimate vendor would then apply for a refund

of the motor fuel tax it paid on the motor fuel but did not collect from the operator.

(D) A public mass transportation service operator has vehicles that operate on diesel fuel and meet the exemption requirements under federal law. Its routes include states other than Missouri, and the other state does not allow the use of dyed diesel fuel on public roadways. Even though Missouri and the federal government would allow the use of dyed diesel fuel, the operator must purchase and use clear fuel in the vehicles that cross into the neighboring state.

AUTHORITY: sections 142.818 and 142.824, RSMo 2000, 136.035, RSMo Supp. 2006, and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

EMERGENCY RESCISSION

12 CSR 10-23.365 Issuance of Nonresident Salvage-Buyer's Identification Card. This rule set forth the procedures for issuance of nonresident salvage-buyer's identification card.

PURPOSE: This rule is being rescinded due to legislation that repeals the requirement for out-of-state salvage-buyers to obtain a nonresident salvage-buyer's identification card in order to buy at Missouri salvage pools and disposal sales.

EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency rescission. This emergency rescission is necessary to ensure public awareness and to preserve a compelling governmental interest in rescinding the rule effective August 28, 2007, since Senate Bill 82 repeals the nonresident ID card requirement effective that date. Rescinding the rule effective the same date the law eliminates the requirement will make it clear to all nonresident salvage buyers that Missouri has eliminated the ID card registration requirement effective August 28, 2007, and ensure the regulation creates no confusion about the need for a nonresident salvage buyer card. As a result, the director finds that there is an immediate danger to the public welfare which can only be addressed through this emergency rescission. The department believes this emergency rescission is fair to all interested persons under the circumstances and good stewardship of state resources. The director has followed procedures best calculated to assure fairness to all interested persons and parties and has complied with protections extended by the *Missouri* and *United States Constitutions*. The director has limited the scope of the emergency rescission to the circumstances creating the required emergency action. Emergency rescission filed August 8, 2007, effective August 28, 2007, expires February 23, 2008.

AUTHORITY: section 301.218, RSMo 1986. Original rule filed Nov. 18, 1986, effective March 12, 1987. Emergency rescission filed Aug. 8, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax**

EMERGENCY AMENDMENT

12 CSR 10-103.380 Photographers, Photofinishers and Photoengravers, as Defined in Section 144.030, RSMo. The director proposes to amend the title, amend subsections (3)(C), (3)(E), (3)(F), and (4)(D) through (4)(F).

PURPOSE: This rule is being amended due to TAFP HCS SCS SB 196, enacted by the 93rd General Assembly, 2005 and TAFP CCS HCS SB30, enacted by the 94th General Assembly, 2007.

EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency amendment. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency amendment informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of enactment of TAFP CCS HCS SB 30 by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes impact them. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The director believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment filed August 14, 2007, effective August 28, 2007, expires February 23, 2008.

(3) Basic Application of Tax.

(C) The sale of negative development services only, where no prints, slides or other tangible personal property are received, is not subject to tax. The developer must pay tax on materials and supplies used in the development process **because developing is a service that is not subject to tax.**

(E) [Supplies such as film, chemicals and other materials purchased for the photographer's own use or consumption are taxable.] Chemicals that are intended to and do remain with the final product are considered an ingredient or component part of the final product for resale and are therefore not subject to tax.

(F) Equipment such as cameras and lenses, which is directly used to manufacture new **tangible** personal property intended to be sold ultimately at retail, is exempt from tax. Replacement parts for this exempt equipment are also exempt.

(4) Examples.

[(D)] A photographer purchases chemicals and other supplies used to develop photographs. These chemicals and supplies are not intended to remain with the photograph. These purchases are subject to tax because they are consumed in the developing process and do not become a component or ingredient part of the photograph.]

[(E)] (D) A photographer purchased new cameras and a new lens to replace a broken lens. The new cameras allow the photographer to photograph twice as many pictures. The photographer can purchase the cameras exempt because it increases productivity. The new lens would also be exempt as replacement equipment.

[(F)] (E) A photographer scans photographs into a computer for customers. If the photographer provides the customer a CD containing the images, the sale is taxable. However, if the photographer sends the images to customers via the Internet, the photographer has not sold tangible personal property and should not collect tax on this sale.

AUTHORITY: section 144.270, RSMo [1994] 2000. Original rule filed June 29, 2000, effective Dec. 30, 2000. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax**

EMERGENCY RULE

12 CSR 10-103.381 Items Used or Consumed by Photographers, Photofinishers and Photoengravers, as Defined in Section 144.054, RSMo

PURPOSE: Section 144.054.2, RSMo exempts from state sales tax and local use tax, but not local sales tax, machinery, equipment, materials and chemicals used or consumed in manufacturing, processing, compounding, mining or producing any product or used in research and development related to manufacturing. This rule explains the exemption for photographers, photofinishers and photoengravers.

EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency rule. This emergency rule is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency rule informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of enactment of TAFP CCS HCS SB 30 by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes impact them. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The director believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed August 14, 2007, effective August 28, 2007, expires February 23, 2008.

(1) In general, purchases of machinery, equipment, materials and chemicals used or consumed in manufacturing, processing, compounding, mining or producing any product or used in research and development related to manufacturing are exempt from state sales tax and local use tax, but not local sales tax.

(2) Definition of Terms: See the definition of terms in 12 CSR 10-111.010 Machinery and Equipment Exemptions.

(3) Basic Application of Tax.

(A) Supplies such as film, chemicals and other materials purchased for the photographer's use or consumption are exempt from state sales tax and local use tax, but not local sales tax.

(4) Examples.

(A) A photographer purchases chemicals and other supplies used to develop photographs. These chemicals and supplies are not intended to remain with the photograph. These purchases are exempt from state sales tax and local use tax, but not local sales tax, because they are consumed in the developing process.

AUTHORITY: section 144.270, RSMo 2000 and CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax**

EMERGENCY AMENDMENT

12 CSR 10-103.400 Sales Tax on Vending Machine Sales, as Defined in Section 144.054, RSMo. The director proposes to amend section (1), and subsection (3)(I).

PURPOSE: This rule is being amended due to TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007.

EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency amendment. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency amendment informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of enactment of TAFP CCS HCS SB 30 by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes impact them. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The director believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment filed August 14, 2007, effective August 28, 2007, expires February 23, 2008.

(1) In general, sales of tangible personal property, other than photocopies and tobacco products, through vending machines are subject to tax based on one hundred thirty-five percent (135%) of the net invoice price of the tangible personal property. The applicable tax rate is the rate in effect at the location of the vending machine. Sales of photocopies and tobacco products are subject to tax on their retail sales price. *[Purchases of machines or parts for machines used in a commercial vending machine business are subject to tax unless tax is paid on the gross receipts derived from the use of the machines.] Purchases of machines or parts for machines used in a commercial vending machine business are not subject to tax if tax is paid on the gross receipts derived from the sale of the tangible personal property through the vending machines.*

(3) Basic Application of Tax.

(I) *[Purchases of machines or parts for machines used in a commercial coin-operated vending business are subject to tax unless tax is paid on the gross receipts derived from the use of the machines.] Purchases of machines or parts for machines used in a commercial vending machine business are not subject to tax if tax is paid on the gross receipts derived from the sale of the tangible personal property through the vending machines.*

AUTHORITY: section [143.961] 144.270, RSMo 2000, and CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Original rule filed May 1, 2006, effective Nov. 30, 2006. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax**

EMERGENCY AMENDMENT

12 CSR 10-103.555 Determining Taxable Gross Receipts. The director proposes to amend the purpose, sections (2) through (4), and reletter existing subsections accordingly.

PURPOSE: *This rule is being amended due to TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007.*

EMERGENCY STATEMENT: *The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency amendment. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency amendment informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of enactment of TAFP CCS HCS SB 30 by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes impact them. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The director believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment filed August 14, 2007, effective August 28, 2007, expires February 23, 2008.*

PURPOSE: *Section 144.021, RSMo, imposes a tax on a seller's gross receipts. Section 144.083, RSMo, addresses the application of tax involving third party payments. This rule provides guidance for reporting gross receipts.*

(2) Definitions.

(A) Buydown payments—payments received by a seller under an agreement with a manufacturer or wholesaler to lower the cost of inventory sold to consumers for a stated sales price.

[(A)] (B) Gross receipts—the total amount of the sale price of taxable services and tangible personal property including any services, other than charges incident to the extension of credit, that are a part of such sale and are capable of being valued in money, whether received in money or otherwise.

[(B)] (C) Rebate—a return of part of an amount given in payment.

(D) Store coupons—coupons issued by the seller to reduce the stated price of a product to the purchaser.

[(C)] (E) Taxable sales—the total amount of gross receipts plus or minus any adjustments permitted or required by law.

(F) Third party coupons—coupons issued by a manufacturer or other third party to apply to the purchase of the product.

(3) Basic Application of Tax.

(C) When the *[taxpayer]* seller accepts third party coupons, **only** the *[total sale]* price *[includes the value of the coupon. When the taxpayer accepts third party coupons along with food stamps, the value of the food stamps is not included in taxable sales, but the value of the coupon is included in taxable sales.]* paid by the purchaser is included in the gross receipts subject to tax.

(D) The value of a store coupon issued and redeemed by *[the]* a seller is not *[included in taxable sales]* subject to tax. Store coupons are not included in gross receipts.

(E) When the seller accepts federal food stamp coupons, the value of the federal food stamp coupons is not included in gross receipts.

[(E)] (F) Rebates from sellers or manufacturers do not reduce taxable sales **unless they are offered instantly at the time of sale**, except for rebates on motor vehicles, boats, trailers and outboard motors.

[(F)] (G) A taxpayer accepting an article in trade as a credit or part payment on the purchase price should include the value of the article in gross receipts. The value of the article should be deducted from gross receipts when calculating taxable sales.

[(G)] (H) Money received in advance, such as down payments, lay-aways or gift certificates, are not included in gross receipts until the

sale has been consummated.

[(H)] (I) Charges to customers for the extension of credit, such as late fees or financing charges are excluded from gross receipts.

[(I)] (J) A seller's expenses associated with utilizing the service of credit card companies are not excluded from gross receipts.

[(J)] (K) If the taxpayer's inventory is stolen or destroyed by fire or other casualty, the insurance receipts are not subject to tax and should not be included in gross receipts.

(L) When tangible personal property is subject to a federal manufacturer's excise tax imposed by sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261, or 4271 of Title 26, *United States Code*, the amount of the tax is not included in gross receipts if the retail seller collects the excise tax from the purchaser and remits it to the federal government.

(M) Gross receipts from the sale of cigarettes do not include the amount of the sale price that represents the state tax on the cigarettes under Chapter 149, RSMo. Gross receipts from the sale of other tobacco products include the amount of the sale price that represents the state tax on the other tobacco products under Chapter 149, RSMo. Local cigarette taxes authorized by law and imposed and paid in the manner of the state tax under Chapter 149, RSMo, are not included in gross receipts. All other local cigarette taxes are included in gross receipts.

(N) Buydown payments are not gross receipts subject to tax. Buydown payments serve to reduce the sales price to all purchasers by reducing inventory cost to the seller. Buydown payments are not payments for the retail price of the product.

(4) Examples.

(A) A grocery store accepts manufacturer's coupons from its customers on purchases of various goods. The store sells aluminum foil for \$1.50. The customer presents to the store a \$.50 manufacturer's coupon and pays the remaining balance of \$1.00. The store submits the \$.50 coupon to the manufacturer for payment of the \$.50. The gross receipts from the sale of the aluminum foil are *[\$1.50]* **\$1.00** and total taxable sales are *[\$1.50]* **\$1.00**. Tax should be charged on *[\$1.50]* **\$1.00**.

(B) On Tuesdays, the same grocery store in Example (A) doubles all manufacturers' coupons. The store then receives \$.50 from the customer and \$.50 from the manufacturer. Gross receipts are *[\$1.00]* **\$.50**, and total taxable sales are *[\$1.00]* **\$.50**. Tax should be charged on *[\$1.00]* **\$.50**.

(C) An appliance manufacturer offers a \$100 cash rebate on an \$800 refrigerator. *[The store selling the refrigerator should charge tax on \$800.]* Tax is due on *[\$800]* **\$700**, *[whether]* if the rebate is received by the customer at the time of purchase. **If the customer must request the rebate from the manufacturer at [or] a later date[,]**, tax is due on \$800 because that is the sale price paid at the time of purchase.

(G) A retailer ordinarily sells a brand of cigarettes for \$4 per pack. The manufacturer of that brand of cigarettes agrees to a "buydown" with the retailer. Under the buydown agreement, the manufacturer will reimburse the retailer \$.50 per pack if the retailer sells the cigarettes for \$3.50 for a month. The gross receipts and taxable sales from the sales of the cigarettes are \$3.50 per pack, which includes the buydown, less any amount attributable to the state tax imposed pursuant to Chapter 149, RSMo.

(H) A retailer ordinarily sells a brand of cigarettes for \$4 per pack. The manufacturer of that brand of cigarettes agrees with the retailer to reduce the purchase price to the retailer by \$.50 per pack if the retailer sells the cigarettes for \$3.50. The gross receipts from the sales of the cigarettes are \$3.50 per pack, less any amount attributable to the state tax imposed pursuant to Chapter 149, RSMo.

AUTHORITY: *section 144.270, RSMo [1994] 2000, and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Original*

rule filed Aug. 21, 2000, effective Feb. 28, 2001. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

EMERGENCY AMENDMENT

12 CSR 10-110.200 Ingredient or Component Part Exemption, as Defined in Section 144.030, RSMo. The director proposes to amend the title, and sections (1) and (4).

PURPOSE: This rule is being amended due to TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007.

EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency amendment. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency amendment informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of enactment of TAFP CCS HCS SB 30 by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes impact them. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The director believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment filed August 14, 2007, effective August 28, 2007, expires February 23, 2008.

(1) In general, purchases of ingredients or component parts are exempt from tax if they blend with the final product and are intended to and do become a part of the finished product. In addition, *[certain]* materials that are consumed in the manufacture/ing, processing, compounding, mining, producing or fabricating of *[steel]* products intended to be sold ultimately for final use or consumption are exempt from tax.

(4) Examples.

(A) A toy manufacturer purchases wood, glue, and paint *[and sandpaper]* to use in the manufacturing of wooden rocking horses. The purchases of wood, glue and paint are exempt from tax. *[The purchase of sandpaper is taxable.]*

(B) A restaurant purchases apple wood to use in the smoking of foods. The restaurant burns the wood in a closed chamber, called a smoker, in which it places the food. The burning wood releases compounds, and small but measurable quantities of the compounds enter and permeate the food. Because a part of the wood, in the form of smoke particles, blends with and remains as part of the finished product, the apple wood may be purchased tax exempt as an ingredient or component part.

(C) An automobile manufacturer purchases *[soap and]* wax to *[wash and]* wax all automobiles as they leave the manufacturing plant. *[Some soap residue remains with the automobiles when they leave the plant. The soap does not qualify as an ingredient or component part because it is not intended to remain with the product.]* The wax *[does qualify]* qualifies as a component part because it is intended to remain with the product.

(E) A steel fabricator purchases welding rods *[and gases]* for use in fabricating a product out of steel plates. The welding rods are

exempt because *[it]* they become/s/ a component part of new personal property. *[Even though the gases are consumed in the fabrication process, the gases are not exempt because the new personal property does not qualify as a steel product.]*

[(F) A foundry creates a steel product by casting molten steel. After casting, a cleaning solution is poured over the product to remove impurities from the surface. The cleaning solution is not exempt because it does not blend, react or interact with a component part or ingredient of the steel product.]

AUTHORITY: section 144.270, RSMo [1994] 2000. Original rule filed Aug. 30, 2000, effective March 30, 2001. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

EMERGENCY RULE

12 CSR 10-110.201 Materials and Other Goods Used or Consumed in Manufacturing, as Defined in Section 144.054, RSMo

PURPOSE: Section 144.054.2, RSMo exempts from taxation certain materials, goods, machinery and parts. This rule explains the requirements for this exemption.

EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency rule. This emergency rule is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency rule informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of enactment of TAFP CCS HCS SB 30 by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes impact them. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The director believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed August 14, 2007, effective August 28, 2007, expires February 23, 2008.

(1) In general, purchases of gas (natural, artificial, or propane) water, coal, and energy sources, chemicals, machinery, equipment and materials that are used or consumed in the manufacturing, processing, compounding, mining or producing a product are exempt from state sales and use tax and local use tax, but not from local sales tax. Local sales tax applies to these transactions.

(2) Basic Application of Exemption.

(A) Gas (natural, artificial, or propane) water, coal, and energy sources, chemicals, machinery, equipment and materials that are used or consumed in manufacturing, processing, compounding, mining or producing a product are exempt from state sales and use tax and local use tax, but not local sales tax. It is not necessary for the item purchased to be used directly in manufacturing in order to qualify for the exemption.

(3) Examples.

(A) A toy manufacturer purchases sandpaper to use in the manufacturing of wooden rocking horses. The purchase of sandpaper is exempt from state sales and use tax and local use tax, but not local sales tax because it is a material that is consumed in producing a product.

(B) An automobile manufacturer purchases soap to wash all automobiles as they leave the manufacturing plant. The soap qualifies as a material used or consumed in the manufacturing process and is exempt from state sales and use tax and local use tax, but not local sales tax.

(C) A steel fabricator purchases gases for use in fabricating a product out of steel plates. The gases that are consumed in the fabrication process are exempt from state sales and use tax and local use tax, but not local sales tax, because they are consumed in producing a product.

(D) A foundry creates a steel product by casting molten steel. After casting, a cleaning solution is poured over the product to remove impurities from the surface. The solution is used or consumed in the producing of a product and is exempt from state sales and use tax and local use tax, but not local sales tax.

AUTHORITY: section 144.270, RSMo 2000. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed rule, which covers the same material, is published in this issue of the Missouri Register.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

EMERGENCY RULE

12 CSR 10-110.210 Television and Radio Broadcasters

PURPOSE: This rule explains the television and radio broadcasters sales tax exemption.

EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency rule. This emergency rule is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency rule informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of enactment of TAFP CCS HCS SB 30 by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes impact them. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The director believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed August 14, 2007, effective August 28, 2007, expires February 23, 2008.

(1) In general, radio and television broadcasters are exempt from sales and use tax, both state and local, on purchases of utilities, machinery, and equipment used or consumed directly in the broadcasting of their programs.

(2) Definition of Terms.

(A) Broadcaster—An entity who transmits (a radio or television signal) over the airwaves for public or general use. A cable or satellite provider is not a broadcaster.

(3) Basic Application.

(A) A Missouri radio or television station purchases utilities, machinery and equipment for use directly in the broadcasting of their programming. The purchase of the utilities, machinery and equipment are not subject to state or local tax.

AUTHORITY: section 144.270, RSMo 2000, and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed rule, which covers the same material, is published in this issue of the Missouri Register.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

EMERGENCY AMENDMENT

12 CSR 10-110.300 Common Carriers. The director proposes to amend sections (1) and (4), reletter existing subsections accordingly.

PURPOSE: This rule is being amended as a result of statutory changes to section 144.030.2(11), RSMo.

EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency amendment. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency amendment informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of enactment of TAFP CCS HCS SB 30 by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes impact them. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The director believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment filed August 14, 2007, effective August 28, 2007, expires February 23, 2008.

(1) In general, materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property are not subject to tax. Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers are not subject to tax. Railroad rolling stock used in transporting persons or property in interstate commerce is not subject to tax. Motor vehicles licensed for a gross weight of twenty-four thousand (24,000) pounds or trailers used by common carriers [solely] in the transportation of persons or property [in interstate commerce] are not subject to tax.

(4) Examples.

(C) A common carrier purchases a cab and chassis. The cab and chassis are licensed for a gross weight of 24,000 pounds and will be used only in intrastate commerce as a common carrier. The purchase of the cab and chassis is **not** taxable. The common carrier subsequently purchases a dump bed to add to the cab and chassis. The dump bed is exempt from tax because it is materials or equipment used in the manufacture of a motor vehicle to be used by a common carrier.

[(E) A common carrier purchases a cab and chassis. The cab and chassis will be used only in intrastate commerce as

a common carrier. The purchase of the cab and chassis is taxable because the cab and chassis are not used in interstate commerce. The common carrier subsequently purchases a dump bed to add to the cab and chassis. The dump bed is exempt from tax because it is materials or equipment used in the manufacture of a motor vehicle to be used by a common carrier.]

[(F)] (E) A common carrier purchases a trailer. The common carrier subsequently purchases a refrigeration unit to add to the trailer. The refrigeration unit is exempt from tax because it is materials or equipment used in the manufacture of a motor vehicle to be used by a common carrier.

[(G)] (F) The sale of a switch engine to be used to move railroad cars around a switching yard, if part of an interstate rail system, is not subject to tax.

[(H)] (G) An airline purchases equipment to test engine parts that have been removed from the plane and brought to their repair facility. The equipment purchased would be exempt from tax.

[(I)] (H) The owner of a Missouri furniture store is registered as a common carrier, but does not hold itself out to the general public as a common carrier. It uses its truck only to deliver furniture sold to customers residing in and outside Missouri. The owner installs new brakes on the truck. Even though the owner is registered as a common carrier, the brakes are taxable because the furniture store is operating as a private carrier.

[(J)] (I) A charter company [only provides bus transportation by] contracts with private groups for [private groups] exclusive use of its bus and driver for [tours of] transportation between Missouri and destinations in the Southeastern United States. The company provides no other transportation services. The charter company purchases new tires. The tires are taxable because the business is a contract carrier.

[(K)] (J) A railroad purchases a flanged wheel mechanized tie replacement machine for repairing broken rail segments on an interstate system. The purchase of the machine is exempt.

AUTHORITY: section 144.270, RSMo 2000, and CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Original rule filed Jan. 24, 2001, effective Aug. 30, 2001. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

EMERGENCY AMENDMENT

12 CSR 10-110.600 Electrical Energy, as Defined in Section 144.030, RSMo. The director proposes to amend the title, the purpose, and sections (1) through (4).

PURPOSE: This rule is being amended due to TAFP HCS SCS SB 196, enacted by the 93rd General Assembly, 2005, and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007.

EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency amendment. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency amendment informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of enactment of TAFP CCS HCS Senate Bill 30 by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes

impact them. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The director believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment filed August 14, 2007, effective August 28, 2007, expires February 23, 2008.

PURPOSE: Section 144.030.2(12), RSMo exempts from tax certain purchases of electrical energy used in primary or secondary manufacturing, processing, compounding, mining or producing a product, [or used in material recovery processing] or processing of raw materials that contain recovered materials. Section 144.030.2(31), RSMo, exempts from tax, electricity used in connection with the manufacturing of cellular glass products or in any material recovery processing plant. Section 144.030.2(33), RSMo, exempts from tax utilities used or consumed directly or exclusively in the research and development of agricultural biotechnology products and plant genomics products and prescription pharmaceuticals consumed by humans or animals. This rule explains when [this] these exemptions [applies] apply and how a taxpayer may claim the exemptions at the time of purchase of the electrical energy.

(1) In general, electrical energy used in facilities owned or leased by the taxpayer in the actual primary manufacturing, processing, compounding, mining or producing of a product is exempt from tax if the cost of the electrical energy used exceeds ten percent (10%) of the total cost of the primary manufacturing, processing, compounding, mining or producing, exclusive of the cost of electrical energy so used. Electrical energy used in facilities owned or leased by the taxpayer in the actual secondary manufacturing, processing, compounding, mining or producing of a product is exempt from tax if the cost of the electrical energy used exceeds ten percent (10%) of the total cost of the secondary manufacturing, processing, compounding, mining or producing, exclusive of the cost of electrical energy so used. Electrical energy used in a material recovery processing plant owned or leased by the taxpayer or in manufacturing cellular glass products is exempt from tax [if the total cost of electric energy used in such processing exceeds ten percent (10%) of the total cost of the processing, exclusive of the cost of electrical energy so used]. Utilities used or consumed directly or exclusively in the research and development of agricultural biotechnology products and plant genomics products and prescription pharmaceuticals consumed by humans or animals are exempt from tax. Electrical energy used in facilities owned or leased by the taxpayer in [manufacturing,] processing [, compounding, mining or producing a product or in a material recovery processing plant is exempt if the raw materials used in such processing] raw materials that contain at least twenty-five percent (25%) recovered materials is exempt from tax.

(2) Definition of Terms.

(B) Fabrication—See 12 CSR 10-111.010/(2)(C)].

(C) Manufacturing—See 12 CSR 10-111.010/(2)(E)].

(D) Material recovery processing plant—[A facility that converts recovered materials into a new product or into a different form that is used in producing a new product. It includes facilities or equipment used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but does not include motor vehicles used on highways.] See 12 CSR 10-111.060.

(E) Mining—See 12 CSR 10-111.010/(2)(F)].

(F) Primary processing—Manufacturing, processing, compounding, mining or producing that results in the first marketable product.

[(G) Processing—Any mode of treatment, act or series of acts performed upon materials to transform and reduce them into an article with a use, identity and market value different

from the use, identity and market value of the materials, and includes treatment necessary to maintain or preserve such processing by the producer at the production facility.]

[(H)] (G) Producing—See 12 CSR 10-111.010[(2)/(H)].

[(I)] (H) Product—An item with a new identity, use and market value produced by the taxpayer's efforts which is intended at the time of the production activity to be sold ultimately for final use or consumption. A product may be tangible personal property or a service, if the property or service is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.

[(J)] (I) Production activity—Manufacturing, processing, compounding, mining, producing or fabricating.

(J) Raw material—any ingredient or component that becomes part of, or is made into a finished product.

(K) Recovered materials—[Materials that have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent separation or processing.] See 12 CSR 10-111.060. In order for an item to be a recovered material, a facility must recover it from the solid waste stream. An item used in processing for its original intended purpose is not a recovered material.

(L) Secondary processing—Further processing or fabricating of a marketable product that results in another marketable product.

(M) Solid waste—See 12 CSR 10-111.060.

[(M)] (N) Total cost—All allocated costs incurred in producing the product, including all elements of production cost in accordance with generally accepted accounting principles.

(3) Basic Application of Exemption.

(A) A taxpayer may claim this exemption at the time of purchase of the electrical energy by presenting the seller with a direct pay certificate issued by the department. In order to obtain a direct pay certificate, the taxpayer must submit [annually] an electrical energy direct pay authorization application. The application must demonstrate, by the use of the previous calendar year's data, a probable entitlement to the electrical energy exemption for the coming year. The taxpayer must file and remit the appropriate tax on energy purchases that do not qualify for this exemption on its sales tax return.

(4) Examples.

(A) A manufacturing firm produces extruded sheet plastic. The automated production line is a closed system connected together by use of vacuum feed-pipe. When an order is received, the computer controlled production line first blends the necessary raw materials. After blending, the mix is conveyed through vacuum pipe to be dried, and then to the extruder, where the mix is heated to meltdown and rolled into sheets by the extruder rollers. These sheets are the end product. The cost of raw materials is 95% of the total cost of producing the end product. The cost of electrical energy is 99% of the cost of drying and extruding the blended raw materials. The plastic sheet is the only marketable product produced by this continuous, indivisible operation. [None of the electrical energy is exempt because it does not exceed 10% of the total cost of producing the end product.] Because the cost of electricity does not exceed 10% of the total cost of producing the product, the purchase of the electricity does not qualify for the exemption.

(B) A manufacturer produces glass bottles to be used as packaging. The manufacturer combines raw materials, including recycled glass obtained from recyclers, which is then melted under extreme heat. The molten glass is then formed into bottles, which are the manufacturer's only product. The electrical energy costs exceed 10% of the total cost of production; therefore the manufacturer qualifies for the exemption. If the manufacturer's raw materials include at least 25% [recycled] recovered material, the manufacturer may avoid the time and cost involved in the calculations necessary to support the exemption under the 10% threshold and claim the exemption based on its use of [recycled] recovered materials.

(E) A paper manufacturer uses recycled paper [to produce] in its primary processing of producing rolls of newsprint. The newsprint includes [more than 25%] 50% recovered paper, [and qualifies] qualifying the manufacturer for the electrical energy exemption from state and local taxes. The newsprint is subsequently cut into sheets during secondary processing for sale to a book printer. The cost of electricity [to cut the sheets] used during the secondary processing does not exceed 10% of the total cost of producing the cut sheets. However, [T]he electrical energy used to produce the final product is also exempt because the [manufacturer] secondary process uses at least 25% recovered materials.

AUTHORITY: section 144.270, RSMo 2000. Original rule filed July 25, 2001, effective Feb. 28, 2002. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 110—Sales/Use Tax—Exemptions

EMERGENCY RULE

12 CSR 10-110.601 Electrical, Other Energy and Water as Defined in Section 144.054, RSMo

PURPOSE: Section 144.054.2, RSMo exempts from state sales and use tax and local use tax, but not local sales tax, electricity, gas (natural, artificial, or propane) water, coal, and energy sources used or consumed in manufacturing, processing, compounding, mining or producing any product or used in research and development related to manufacturing, processing, compounding, mining or producing any product or in the processing of recovered materials. This rule explains when this exemption applies and how a taxpayer may claim the exemption at the time of purchase of the utilities, energy and water.

EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency rule. This emergency rule is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency rule informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of enactment of TAFP CCS HCS Senate Bill 30 by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes impact them. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The director believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed August 14, 2007, effective August 28, 2007, expires February 23, 2008.

(1) In general, electricity, gas (natural, artificial, or propane) water, coal, and energy sources used or consumed in manufacturing, processing, compounding, mining or producing any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining or producing any product is exempt from state sales and use tax and local use tax, but not local sales tax.

(2) Definition of Terms.

(A) Compounding—Producing a product by combining two (2) or

more ingredients or parts.

(B) Energy source—Those resources, such as petroleum, coal, gas, wind, steam, nuclear fuel and sunlight, from which energy is produced.

(C) Fabrication—See 12 CSR 10-111.010.

(D) Manufacturing—See 12 CSR 10-111.010.

(E) Material recovery processing plant—See 12 CSR 10-111.060.

(F) Mining—See 12 CSR 10-111.010.

(G) Producing—See 12 CSR 10-111.010.

(H) Recovered materials—See 12 CSR 10-111.060.

(3) Basic Application of Exemption.

(A) A taxpayer may claim the exemption for state sales and use tax and local use tax, but not local sales tax at the time of purchase. A taxpayer may not claim an exemption from local tax and then remit the tax directly to the department. It is the seller's responsibility to collect and remit the proper amount of local tax to the department.

(B) For purchases which are reported to the department under direct pay and Electrical Energy Direct Pay (EEDP) are exempt from the application of subsection (3)(A) of this rule.

(C) The electricity, other energy, and water source that is subject to this exemption is not required to be directly used in the process for which the exemption is being claimed. There is also no requirement that the electricity comprise ten percent (10%) of the cost of a primary or secondary production process in order to qualify for this exemption. There is also no requirement that twenty-five percent (25%) of the raw materials are recycled in order for the purchaser to claim this exemption.

(4) Method of Collection and Apportionment.

(A) Energy and water vendors are responsible for remitting tax to the department. Purchasers are responsible to inform energy vendors on the MO-149 (Sales/Use Tax Exemption Certificate) of the percentage of energy used for activities exempt under section 144.054, RSMo. The purchaser may use any reasonable method to calculate this percentage, such as square footage or reference to a use analysis. The exemption will be applied as follows:

Purchaser's Calculated Exempt Percentage	Percentage Exempt
76-100	100
51-75	75
26-50	50
1-25	25
0	0

(B) Beginning on August 28, 2007 and ending on October 28, 2007 any vendor who receives an exemption certificate exempting sales of electricity, gas (natural, artificial, or propane) water, coal, and energy sources used or consumed in manufacturing, processing, compounding, mining or producing any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining or producing any product after the bill was issued may take the correction as an adjustment on their sales tax return provided the net result is not a negative figure. In the event an exemption certificate is received after October 28, 2007 and an exemption was due and not properly applied by the vendor, the vendor may submit a refund request to the department.

(5) Exempt Examples.

(A) A manufacturer purchases propane to operate forklifts that move raw materials between production lines. The fuel is exempt from state sales and use tax and local use tax, but not local sales tax.

(B) A manufacturer uses electricity to run its equipment, maintain a moderate temperature in its production facility and to light the plant. The purchase of all of its electricity is exempt from state sales and use tax and local use tax, but not local sales tax because it is used or consumed in producing a product.

(C) A manufacturer uses coal to fuel boilers to generate steam used to manufacture a product. The purchase of the coal is exempt from state sales and use tax and local use tax, but not local sales tax because it is used or consumed in producing a product.

(D) A manufacturer purchases compressed gas used for welding a product. The purchase of the compressed gas is exempt from state sales and use tax and local use tax, but not local sales tax because it is used or consumed in producing a product.

(E) A manufacturer uses water to cool a product during the manufacturing process. The water is exempt from state sales and use tax and local use tax, but not local sales tax.

(F) A manufacturer preserves its final product in a warehouse located at the production facility awaiting shipment. The purchase of energy to maintain the desired temperature and provide lighting is exempt from state sales and use tax and local use tax, but not local sales tax.

(G) A construction company, who has been deemed a manufacturer, purchases fuel to be used in a concrete ready-mix truck. The fuel is subject to motor fuel tax, however if a refund claim is made, the refund will be exempt from state sales tax, but not local sales tax, because it is used in producing a product.

(6) Taxable Examples.

(A) A restaurant preparing food for immediate consumption is not exempt as a manufacturer. Therefore, all state and local taxes apply.

AUTHORITY: section 144.270, RSMo 2000 and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed rule, which covers the same material, is published in this issue of the Missouri Register.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 111—Sales/Use Tax—Machinery and
Equipment Exemptions**

EMERGENCY RULE

**12 CSR 10-111.011 Machinery, Equipment, Materials, and
Chemicals Used or Consumed in Manufacturing, as Defined in
Section 144.054, RSMo**

PURPOSE: Section 144.054.2, RSMo exempts machinery, equipment, materials, and chemicals used or consumed in manufacturing, processing, compounding, mining or producing any product, or used in research and development related to manufacturing, processing, compounding, mining or producing any product from state sales and use tax and local use tax, but not local sales tax. This rule explains what elements must be met in order to qualify for these exemptions.

EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency rule. This emergency rule is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency rule informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of enactment of TAFP CCS HCS SB 30 by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes impact them. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The director believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed

August 14, 2007, effective August 28, 2007, expires February 23, 2008.

(1) In general, the purchase of machinery, equipment, materials and chemicals used or consumed in manufacturing, processing, compounding, mining or producing any product or is used in research and development related to manufacturing, processing, compounding, mining or producing any product is exempt from state sales and use tax and local use tax, but not local sales tax.

(2) Definition of Terms.

- (A) Equipment—See 12 CSR 10-111.010.
- (B) Fabrication—See 12 CSR 10-111.010.
- (C) Machinery—See 12 CSR 10-111.010.
- (D) Manufacturing—See 12 CSR 10-111.010.
- (E) Mining—See 12 CSR 10-111.010.
- (F) Producing—See 12 CSR 10-111.010.

(3) Basic Application of Exemption.

(A) Pursuant to section 144.054.2, RSMo purchases of machinery, equipment, materials and chemicals used or consumed in manufacturing, processing, compounding, mining or producing any product or used in research and development related to manufacturing, processing, compounding, mining or producing any product is exempt from state sales and use tax and local use tax, but not local sales tax.

(B) The exemptions do not require that the owner of the facility be the purchaser to qualify for the exemption or that the purchaser be the one who uses the machinery, equipment and materials in an exempt fashion. All that is required is that the machinery, equipment and materials are used in a tax-exempt manner.

(4) Exempt Examples.

(A) A manufacturing company purchases various pieces of testing equipment to perform research and development on potential future products. The testing equipment for research and development is exempt from state sales and use tax and local use tax, but not local sales tax, because it is used or consumed in research and development related to manufacturing a product.

(B) A commercial photo developer uses “crop cards” to hold individual negatives in the film developing process; they are discarded after a single use. The developer also uses tape to connect negative strips so that the negatives may be fed through its automatic film developing machinery and equipment. The crop cards and tape are exempt from state sales and use tax and local use tax, but not local sales tax, as materials used and consumed in producing a product.

(C) A manufacturer purchases materials to develop models for research and development for use in designing a new product. The manufacturer may purchase the materials exempt from state sales and use tax and local use tax, but not local sales tax, because they are used in research and development related to manufacturing.

(D) Workers in a manufacturing plant are required to wear safety equipment while producing a product. The safety equipment is exempt from state sales and use tax and local use tax, but not local sales tax, because it is used to produce a product.

(5) Nonexempt Examples.

(A) A taxpayer operates a concrete manufacturing plant. The taxpayer purchases dump trucks to haul, to customers, concrete slabs that had been manufactured in its plant. The dump trucks would not qualify for exemption because they are not used in the manufacturing process, but rather, in the shipping process.

(B) A taxpayer creates and sells a nontaxable information service. To develop its service, the taxpayer purchases computer hardware and software. The computer hardware and software do not qualify for the state tax exemption pursuant to section 144.054.2, RSMo, because they are machinery and equipment used in producing a service and not a product.

AUTHORITY: section 144.270, RSMo 2000 and CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed rule, which covers the same material, is published in this issue of the Missouri Register.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 111—Sales/Use Tax—Machinery and
Equipment Exemptions**

EMERGENCY RULE

12 CSR 10-111.061 Exempt Items Used or Consumed in Material Recovery Processing as Defined in Section 144.054, RSMo

PURPOSE: Section 144.054.2, RSMo exempts machinery, equipment, materials, coal, energy sources and chemicals used or consumed in the processing of recovered materials from state sales and use tax and local use tax, but not local sales tax. This rule explains the elements that must be met in order to qualify for the exemption.

EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency rule. This emergency rule is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency rule informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of enactment of TAFP CCS HCS SB 30 by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes impact them. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The director believes this emergency rule is fair to all interested persons and parties under the circumstances. Emergency rule filed August 14, 2007, effective August 28, 2007, expires February 23, 2008.

(1) In general, the purchase of machinery, equipment, materials and chemicals used or consumed in the processing of recovered materials are exempt from state sales and use tax and local use tax, but not local sales tax.

(2) Basic Application of Exemption.

(A) Purchases of machinery, equipment and materials used or consumed in the processing of recovered materials are exempt from state sales and use tax and local use tax, but not local sales tax. Coal, energy sources and chemicals used or consumed in the processing of recovered materials are also exempt from state sales and use tax and local use tax, but not local sales tax.

(B) Electrical energy or gas (natural, artificial or propane) water, or other energy sources consumed in processing recovered materials is exempt from state and local tax (144.030.2.(31), RSMo).

(3) Examples.

(A) A metal recycler uses diesel fuel to operate its hydraulic cutter. The diesel fuel may be purchased exempt from state sales and use tax and local use tax, but not local sales tax, because it is used or consumed in the processing of recovered materials.

(B) A paper recycler mixes water with paper in its pulping equipment in order to separate the paper fibers from each other. The water may be purchased exempt from state sales and use tax and local use tax, but not local sales tax.

(C) An aluminum can recycler uses natural gas in its furnace to melt aluminum scraps into molten aluminum. The purchase of the

natural gas is exempt from state sales and use tax and local use tax, but not local sales tax because it is consumed in the processing of recovered materials.

AUTHORITY: section 144.270, RSMo 2000 and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed rule, which covers the same material, is published in this issue of the Missouri Register.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 111—Sales/Use Tax—Machinery and
Equipment Exemptions**

EMERGENCY AMENDMENT

12 CSR 10-111.100 Commercial Printers, as Defined in Section 144.030, RSMo. The director proposes to amend the title and sections (1), (3), and (4).

PURPOSE: This rule is being amended due to TAFP HCS SCS SB 196, enacted by the 93rd General Assembly, 2005 and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007.

EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency amendment. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency amendment informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of enactment of TAFP CCS HCS SB 30 by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes impact them. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The director believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment filed August 14, 2007, effective August 28, 2007, expires February 23, 2008.

(1) In general, sales of printed product by commercial printers are subject to tax. Purchases of materials and supplies, such as paper and ink, which become a component part or ingredient of the printed product are exempt. Other materials used by the printer may be exempt if title or ownership to the materials transfers to the customer. Purchases of machinery, equipment and parts for replacement or for a new or expanded plant are exempt if directly used in the manufacturing process. This includes printing presses and plates. *[Chemicals to develop the film and plates are not exempt unless they become an ingredient or component part of materials resold to the customer.]*

(3) Basic Application of Tax.

(B) Ingredients and component parts—Purchases of material and supplies such as paper and ink may be purchased tax exempt by printers as ingredients or component parts under section 144.030.2(2), RSMo.

1. Chemicals that blend with and become part of the ink mixture are exempt, including:

A. The fountain solution that blends with the ink at the press to keep the non-image area clean of ink while printing;

B. Chemicals used on the rollers to keep the ink from drying out;

C. Isopropyl alcohol to keep the ink wet on the rollers; and
D. Ink anti-stain used to keep the ink from bleeding onto other printed material.

[2. Purchases of material and supplies used in the printing process that do not blend with the ink are taxable, including:

A. Anti-static products used to reduce static on the printed product;

B. Chemicals used to clean the presses; and

C. Color wax used for layout purposes.]

(C) *[Other materials transferred to customers—]* Purchases of materials, including film, used by the printer in its manufacturing process do not qualify for the sale for resale exclusion unless title or ownership to such materials is transferred to the customer. Whether title passes is based on the intent of the parties, as evidenced by all relevant facts, including written agreements, course of dealing or usage of trade and availability of the materials for future use by the customer.

(D) Chemicals—Chemicals to develop the film and plates are *[not]* exempt *[unless]* if they become an ingredient or component part of materials resold to the customer. *[Chemicals that generally do not become an ingredient or component part include chemicals used on plates to desensitize the plates and to prevent them from oxidizing, developers, replenishers, finishers, fixers, store gum and plating solution.]*

(E) Supplies and Parts.

1. Perforation devices consumed in a single production cycle are not exempt as machinery and equipment or parts.

2. Perforation devices benefiting more than one production cycle are exempt as parts of machinery and equipment.

3. Blankets and necessary attachments are exempt as parts of machinery and equipment.

4. Proof paper and phototypesetting paper are not exempt as machinery and equipment or parts.

5. Mineral spirits used as a solvent to clean brushes, overspray and equipment are *[taxable]* not exempt as ingredients or component parts if used as a cleaning solvent separate from the ink. If mixed with the ink, then the mineral spirits are exempt as ingredients or component parts.

(4) Examples.

(B) A commercial printer purchases plates[, and film[, phototypesetting paper, developer chemical for plates and film (which do not become a part of the plates or film), and press cleaning solvent that is not mixed with ink]. The plate is exempt machinery and equipment. The printer's contract with the customer states the negatives become the property of the customer. The film is exempt as a component part of the negative. *[The phototypesetting paper does not qualify for exemption as machinery or equipment, ingredient or component part or sale for resale. The developer chemicals and cleaning solvent do not qualify for exemption as ingredients or component parts or sales for resale.]*

AUTHORITY: section 144.270, RSMo 2000. Original rule filed Oct. 11, 2001, effective April 30, 2002. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 111—Sales/Use Tax—Machinery and
Equipment Exemptions**

EMERGENCY RULE

12 CSR 10-111.101 Items Used or Consumed by Commercial Printers, as Defined in Section 144.054, RSMo

PURPOSE: Section 144.054.2, RSMo exempts from state tax, but not local tax, machinery, equipment, materials and chemicals used or consumed in manufacturing, processing, compounding, mining or producing any product or used in research and development related to manufacturing. This rule explains the taxation rules for commercial printers and what elements must be met to qualify for these exemptions.

EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency rule. This emergency rule is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency rule informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of enactment of TAFP CCS HCS SB 30 by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes impact them. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The director believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed August 14, 2007, effective August 28, 2007, expires February 23, 2008.

(1) In general, purchases of machinery, equipment, materials and chemicals used or consumed by a printer in the production process are exempt from state tax and local use tax, but not local sales tax.

(2) Definition of Terms. See definition of terms in 12 CSR 10-111.010 Machinery and Equipment Exemptions.

(3) Basic Application of Tax.

(A) Purchases of material and supplies used in the printing process that do not blend with the ink are exempt from state tax and local use tax, but not local sales tax, including, anti-static products used to reduce static on the printed product; chemicals used to clean the presses and color wax used for layout purposes.

(B) Chemicals to develop the film and plates are exempt from state tax and local use tax, but not local sales tax. Chemicals exempt from state, but not local tax include chemicals used on plates to desensitize the plates and to prevent them from oxidizing, developers, replenishers, finishers, fixers, store gum and plating solution.

(C) Perforation devices consumed in a single production cycle are exempt from state tax, but not local tax as machinery and equipment used or consumed in the printing process. Proof paper and phototypesetting paper are also exempt from state tax, but not local tax as machinery and equipment used or consumed in the printing process. Mineral spirits used as a solvent to clean brushes, overspray and equipment are exempt from state tax and local use tax, but not local sales tax even when used as a cleaning solvent separate from the ink.

(4) Example.

(A) A commercial printer purchases phototypesetting paper, developer chemical for plates, film (which does not become the property of the customer) and press cleaning solvent that is not mixed with ink. All these items are exempt from state tax and local use tax, but not local sales tax as materials used or consumed in producing a product.

AUTHORITY: section 144.270, RSMo 2000 and CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 112—Sales/Use Tax—Contractors**

EMERGENCY AMENDMENT

12 CSR 10-112.010 Contractors. The director proposes to amend subsection (3)(D).

PURPOSE: This rule is being amended due to TAFP CCS HCS SS SCS SB 22, enacted by the 94th General Assembly, and to clarify the exemption contained in section 144.062, RSMo, as it relates to fuel and to add exempt entities.

EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency amendment. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the emergency amendment informs the public of new sales tax exemptions that are available to various sellers and their customers as a result of the enactment of TAFP CCS HCS SS SCS SB 22, by the 94th Missouri General Assembly. These exemptions are effective August 28, 2007, and taxpayers need guidance regarding how these statutory changes impact them. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The director believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment filed August 14, 2007, effective August 28, 2007, expires February 23, 2008.

(3) Basic Application of Tax.

(D) Flow Through Project Exemptions—A contractor, including subcontractors working for the contractor, constructing, repairing or remodeling facilities for a specific exempt entity, may purchase tax exempt tangible personal property and materials incorporated into or consumed in the project if the exempt entity furnishes to the contractor a project exemption certificate. Tangible personal property and materials that can only be used for one construction, repair or remodeling job which are actually used up in performing the contract are consumed. Examples include sandpaper[, fuel to run equipment] and drill bits that are actually used up in the performance of the exempt contract. Items that are not consumed are hand tools, drinking water coolers, hardhats and bulldozers. For purposes of this flow through exemption an exempt entity is limited to:

1. Political subdivisions exempt under Article III section 39(10) of the *Missouri Constitution*;
2. Federal government and its instrumentalities;
3. Religious organizations;
4. Charitable organizations;
5. Elementary and secondary schools, public and private; [or]
6. Higher education institutions, public and private[.];
7. **Missouri Department of Transportation; or**
8. **Jackson County Sports Complex Authority.**

AUTHORITY: section 144.270, RSMo [1994] 2000. Original rule filed June 13, 2000, effective Dec. 30, 2000. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods Limits

PROPOSED AMENDMENT

3 CSR 10-6.415 Restricted Zones. The commission proposes to amend subsections (1)(E) and (2)(F) and section (4).

PURPOSE: This amendment will allow fishermen to collect bait fish within two hundred twenty-five feet (225') below Bagnell Dam, prohibits the use of atlatl as a method for harvesting fish in Blue Ribbon Trout Areas and changes the word longbow to bow for consistency.

(1) The following zones are closed to all fishing:

(E) Osage River within two hundred twenty-five feet (225') below

Bagnell Dam, except that live bait may be taken only by dip net and throw net.

(2) Fish may be taken only by pole and line from:

(F) Salt River from below Clarence Cannon Reregulation Pool Dam to Route A except that fish may also be taken by *long*/bow as prescribed in 3 CSR 10-6.550 from the no-boating zone (one thousand one hundred feet (1,100') below the Reregulation Dam) to Route A.

(4) Fish may be taken by all prescribed methods except gig, **atlatl**, crossbow and *long*/bow on the following waters and as further restricted in subsections (5)(A), (B), (C), (D), (F), (H), (J), (K) and (M) of this rule. Fish taken by gig, **atlatl**, crossbow and *long*/bow may not be possessed on these waters or the banks thereof.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 14, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-7.431 Deer Hunting Seasons: General Provisions. The commission proposes to amend section (1).

PURPOSE: This amendment eliminates a reference to a particular year and should not reduce the efficacy of the rule.

(1) The *[annual]* **current** *Fall Deer & Turkey Hunting Regulations and Information* booklet *[for 2007]*, **published annually in August**, is hereby adopted as a part of this Code and by this reference herein incorporated. A printed copy of this booklet can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and is online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 29, 2004, effective May 15, 2004. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 14, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

PROPOSED AMENDMENT

3 CSR 10-7.438 Deer: Regulations for Department Areas. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment eliminates a reference to a particular year and should not reduce the efficacy of the rule.

Deer may be hunted on lands owned or leased by the department and on lands managed by the department under cooperative agreement as authorized in the [annual] **current** *Fall Deer & Turkey Hunting Regulations and Information* booklet [for 2007], **published annually in August**. This publication is incorporated by reference. A copy of this booklet is published by and can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. It is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 8, 2004, effective March 30, 2005. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 14, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.110 General Prohibition; Applications. The commission proposes to amend subsections (1)(B) and (3)(E).

PURPOSE: This amendment updates the reference to the current edition of the *Missouri Species and Communities of Conservation Concern* and clarifies the syntax that excludes transgenic organisms from the *Approved Aquatic Species List*.

(1) Possession of Native Species.

(B) Native invertebrates listed in the [January 2006] **current** edition of the *Missouri Species and Communities of Conservation Concern Checklist*, **published annually in January**, may only be collected and held by holders of a Wildlife Collector's Permit and only as prescribed in 3 CSR 10-9.425. The Checklist is adopted as a part of this Code and by this reference is herein incorporated. A printed copy of this booklet can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and is online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions to the Checklist.

(3) Fish, tiger salamander larvae and crayfish may be bought, sold, transported, propagated, taken and possessed by any person without permit throughout the year in any number or size and by any method providing—

(E) That the privileges of this section apply only to the following:

1. Species listed in the *Approved Aquatic Species List* (*excluding transgenic organisms, but* including all subspecies, varieties and hybrids of the same bought, sold, transported, propagated, taken and possessed for purposes of aquaculture, **but excluding transgenic forms**).

2. Species frozen or processed for sale as food products.

3. Species incapable of surviving in fresh water.

4. Fish held only in aquaria, tanks or other containers having water discharged only into septic systems or municipal waste treatment facilities that are designed and operated according to guidelines of the Missouri Department of Natural Resources or that entirely recirculate all of the water so that none of it shall drain into a water body.

5. Species other than fish held only in aquaria, tanks or other containers that have the following specifications: all containers including the drain pipe or stand pipe must be completely covered with an intact screen of a maximum mesh size of 1/16 inch square, and having water discharged only into septic systems or municipal waste treatment facilities that are designed and operated according to guidelines of the Missouri Department of Natural Resources or that entirely recirculate all of the water so that none of it shall drain into a water body.

6. Species held only in a closed system from which the escape of live organisms (including eggs, parasites and diseases) is not possible. The species to be held and the system to be used must receive prior written approval from the director.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-4.110(5), (6) and (10). Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 14, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.115 Bullfrogs and Green Frogs. The commission proposes to amend subsection (1)(A), and add new paragraphs (1)(A)1. and (1)(B)11.

PURPOSE: This amendment establishes provisions for harvesting bullfrogs and green frogs at Blue Springs (Lake Remembrance) and adds St. Charles County (Henry's Pond and Quail Ridge Park Lake) to the list of areas where frogs can only be taken by pole and line.

(1) Bullfrogs and green frogs may be taken during the statewide season only by hand, handnet, gig, [long]bow, snagging, snaring, grabbing or pole and line except as further restricted by this chapter.

(A) [Long]Bows may not be used to take frogs on the following areas:

1. Blue Springs (Lake Remembrance)

[1.] **2.** Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, A. Perry Phillips Park Lake, Stephens Lake, Twin Lake)

[2.] **3.** Farmington (Giessing Lake, Hager Lake and Thomas Lake)

[3.] **4.** Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)

[4.] **5.** James Foundation (Scioto Lake)

[5.] **6.** Mark Twain National Forest (department managed portions)

[6.] **7.** Mexico (Lakeview Lake, Kiwanis Lake)

[7.] **8.** Moberly (Rothwell Park Lake, Water Works Lake)

[8.] **9.** Odessa (Lake Venita)

(B) Only pole and line may be used to take frogs on the following areas:

1. Bridgeton (Kiwanis Lake)

2. Butler City Lake

3. Jennings (Koenenman Park Lake)

4. Kirksville (Spur Pond)

5. Kirkwood (Walker Lake)

6. Macon County (Fairground Lake)

7. Mineral Area College (Quarry Pond)

8. Overland (Wild Acres Park Lake)

9. Potosi (Roger Bilderback Lake)

10. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)

11. St. Charles County (Henry's Pond, Quail Ridge Park Lake)

[11.] **12.** St. Louis County (Bee Tree Lake, Creve Coeur Lake, Simpson Lake, Spanish Lake, Sunfish Lake)

[12.] **13.** Sedalia (Clover Dell Park Lake, Liberty Park Pond)

[13.] **14.** Sedalia Water Department (Spring Fork Lake)

[14.] **15.** Warrensburg (Lion's Lake)

[15.] **16.** Watershed Committee of the Ozarks (Valley Water Mill Lake)

[16.] **17.** Wentzville (Community Club Lake)

[17.] **18.** Windsor (Farrington Park Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 14, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180,

Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.130 Fishing, General Provisions and Seasons. The commission proposes to add new sections (6) and (7).

PURPOSE: This amendment restricts fishing at St. Charles County (Henry's Pond) to persons fifteen (15) years of age or younger and restricts Missouri Western State University (South Pond) to catch-and-release fishing by educational groups.

(6) On St. Charles County (Henry's Pond), fishing is restricted to persons fifteen (15) years of age or younger and not more than one (1) pole and line may be used by one (1) person at a time.

(7) On Missouri Western State University (South Pond), fishing is permitted only by reservation by educational groups, and fish must be returned to the water unharmed immediately after being caught except as provided by special use permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 14, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.145 Fishing, Length Limits. The commission proposes to add new paragraphs (2)(B)3., 21., 22. and (2)(C)10., and remove paragraph (2)(C)6. and section (8) and renumber section (9) to (8).

PURPOSE: This amendment establishes a minimum length limit on largemouth bass at Blue Springs (Lake Remembrance); establishes a fifteen inch (15") minimum length limit on largemouth bass at Keytesville (Maxwell Taylor Park Pond); establishes an eighteen inch (18") minimum length limit on largemouth bass in St. Charles County (Quail Ridge Park Lake); removes the forty-two inch (42") minimum length limit on muskellunge at Kirksville (Hazel Creek

Lake); and, changes the minimum length limit on largemouth bass at Kirksville (Hazel Creek Lake).

(2) Black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

(B) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Arrow Rock State Historic Site (Big Soldier Lake)
2. Bethany (Old Bethany City Reservoir)
3. **Blue Springs (Lake Remembrance)**
- [3.] 4. Big Oak Tree State Park (Big Oak Lake)
- [4.] 5. Butler City Lake
- [5.] 6. California (Proctor Park Lake)
- [6.] 7. Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)
- [7.] 8. Carthage (Kellogg Lake)
- [8.] 9. Columbia (Stephens Lake)
- [9.] 10. Concordia (Edwin A. Pape Lake)
- [10.] 11. Confederate Memorial State Historic Site lakes
- [11.] 12. Dexter City Lake
- [12.] 13. Hamilton City Lake
- [13.] 14. Harrison County Lake
- [14.] 15. Higginsville City Lake
- [15.] 16. Holden City Lake
- [16.] 17. Iron Mountain City Lake
- [17.] 18. Jackson (Rotary Lake)
- [18.] 19. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
- [19.] 20. Jefferson City (McKay Park Lake)
21. **Keytesville (Maxwell Taylor Park Pond)**
22. **Kirksville (Hazel Creek Lake)**
- [20.] 23. Kirksville (Spur Pond)
- [21.] 24. Macon (Blees Lake)
- [22.] 25. Macon County (Fairgrounds Lake)
- [23.] 26. Maysville (Willow Brook Lake)
- [24.] 27. Mark Twain National Forest (Fourche Lake, Huzzah Pond, Loggers Lake, McCormack Lake, Noblett Lake, Roby Lake)
- [25.] 28. Mineral Area College (Quarry Pond)
- [26.] 29. Odessa (Lake Venita)
- [27.] 30. Pershing State Park ponds
- [28.] 31. Potosi (Roger Bilderback Lake)
- [29.] 32. University of Missouri (Dairy Farm Lake No. 1 and McCredie Lake)
- [30.] 33. Warrensburg (Lion's Lake)
- [31.] 34. Watkins Mill State Park Lake
- [32.] 35. Windsor (Farrington Park Lake)

(C) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Ballwin (New Ballwin Lake, Vlasik Park Lake)
2. Bridgeton (Kiwanis Lake)
3. Columbia (Twin Lake)
4. Ferguson (January-Wabash Lake)
5. Jennings (Koeneman Park Lake)
- [6. Kirksville (Hazel Creek Lake)]
- [7.] 6. Kirkwood (Walker Lake)
- [8.] 7. Overland (Wild Acres Park Lake)
- [9.] 8. Sedalia Water Department (Spring Fork Lake)
- [10.] 9. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)
10. **St. Charles County (Quail Ridge Park Lake)**
11. St. Louis City (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

12. St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes, No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

13. Unionville (Lake Mahoney)

14. University of Missouri (South Farm R-1 Lake)

15. Wentzville (Community Club Lake)

[(8) Muskellunge less than forty-two inches (42") total length must be returned to the water unharmed immediately after being caught on Kirksville (Hazel Creek Lake).]

[(9)] (8) Walleye less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on Memphis (Lake Showme).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 14, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 7—DEPARTMENT OF TRANSPORTATION

Division 10—Missouri Highways and Transportation Commission

Chapter 25—Motor Carrier Operations

PROPOSED AMENDMENT

7 CSR 10-25.030 Apportioned Registration Pursuant to the International Registration Plan. The Missouri Highways and Transportation Commission is amending the title, purpose, and sections (1) through (35) of this rule.

PURPOSE: This proposed amendment updates these rules consistent with amendments to the International Registration Plan effective July 1, 2008, a reciprocity agreement for commercial motor vehicles in which Missouri is a member jurisdiction.

PURPOSE: The Missouri Highways and Transportation Commission has the authority to negotiate and to enter reciprocal agreements with other jurisdictions. This rule explains the provisions under which [apportioning] apportionment of registration fees with other jurisdictions can be accomplished and how to apply for registration under the International Registration Plan.

(1) Definitions.

(A) **Commission** means the Missouri Highways and Transportation Commission created in Article IV, Section 29 of the Missouri Constitution;

(B) **Director** means the director of the Motor Carrier Services Division of the Missouri Department of Transportation who is the official designated by the commission to be responsible for administration of the International Registration Plan (IRP);

(C) **Qualified vehicle** means any power unit that is used or intended for use in two (2) or more member jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and:

1. Has two (2) axles and a gross vehicle weight or registered gross vehicle weight in excess of twenty-six thousand (26,000) pounds (11,793.401 kilograms); or
2. Has three (3) or more axles, regardless of weight; or
3. Is used in combination, when the gross vehicle weight of such combination exceeds twenty-six thousand (26,000) pounds (11,793.401 kilograms).

A recreational vehicle, a vehicle displaying restricted plates, a bus used in the transportation of chartered parties, a government-owned vehicle, or a truck or truck tractor, or the power unit in a combination of vehicles having a gross vehicle weight of twenty-six thousand (26,000) pounds (11,793.401 kilograms), or less, are not apportionable, but may be registered under the IRP at the option of the registrant.

(D) **Temporary vehicle registration** means a temporary permit authorizing operation of vehicles in other member jurisdictions pending full registration upon completion of the initial or renewal application.

[(1)](2) Whenever the Missouri Highways and Transportation Commission (commission) has entered into a[n] reciprocal agreement providing for exemption from registration or the payment of [taxes and] registration fees on an apportionment basis with [an]other member jurisdictions, the operator of a fleet of vehicles based in any one (1) of the [contracting] member jurisdictions must [register his/her fleet under] comply with the provisions of the applicable agreement. The [International Registration Plan (IRP)] and Missouri Department of Transportation Motor Carrier Services Instruction Manual, 2005 Edition, which is incorporated herein by reference and made a part of this rule as published by the Missouri Highways and Transportation Commission, Motor Carrier Services Division, 1320 Creek Trail Drive, Jefferson City, MO 65102, provide specific details and procedures and will be furnished upon request from the Missouri Department of Transportation, Motor Carrier Services Division. This rule does not incorporate any subsequent amendments or additions of this manual.] which is incorporated herein by reference and made a part of this rule as published by the International Registration Plan, Inc., 4301 Wilson Blvd., Ste. 400, Arlington, VA 22203, effective July 1, 2008. This rule does not incorporate any subsequent amendments or additions of this manual.

[(A) Fleet vehicles bearing a Missouri apportioned base plate must in fact be based at an established place of business where operational records of that fleet are maintained and mileage must be accrued by the fleet in Missouri.

(B) When referring to a Missouri corporation, a Missouri county or township personal property tax receipt must be submitted. If the information or documents cannot be furnished within thirty (30) days after receipt of initial letter of request, a full fee Missouri license must be purchased to perform any intrastate operation.]

[(2) Except as otherwise provided by the appendix of bilateral agreements and if applicable agreements, understandings or declarations so provide between the contracting states, a fleet is defined as one (1) or more vehicles, except recreational vehicles, vehicles displaying restrictive plates, city pickup and delivery vehicles, buses used in transportation of chartered parties if registered in an IRP jurisdiction and government-owned vehicles, used in two (2) or more jurisdictions that proportionally register vehicles and used

for the transportation of persons, or designed, used or maintained primarily for the transportation of property and—

(A) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds (26,000 lbs.);

(B) Is a power unit having three (3) or more axles, regardless of weight; or

(C) Is used in combination, when the weight of the combination exceeds twenty-six thousand pounds (26,000 lbs.) gross vehicle weight.]

[(3) Vehicles, or combinations of vehicles, having a gross vehicle weight of twenty-six thousand pounds (26,000 lbs.) or less, two (2)-axle vehicles and buses used in transportation of chartered parties may be proportionally registered at the option of the registrant.]

[(4) Vehicles which have paid full fee Missouri registration shall not be included as part of a proportional fleet.]

[(5)](3) [Mileage records for only the power unit need be kept and filed with the commission of the state.] The registrant shall be required to preserve all operational records on which the registrant's application for apportioned registration is based for a period of three (3) years following the close of the registration year to which the application pertains and to make these records available for examination by the commission at its request. Upon initial or renewal application for apportioned registration, the registrant will provide any actual distance traveled in any member jurisdictions for the reporting period or be allowed to estimate distance pursuant to the standards in the IRP in the jurisdictions intended to operate. The fees on estimated distances shall be calculated to conform with the IRP. The commission may use an average per-vehicle distance based on its own data if the registrant's estimated distance is not acceptable to the commission.

[(6) An operator may divide his/her vehicles into two (2) or more separate fleets provided records for each fleet are maintained, the registrant has an established place of business and mileage is accrued by that fleet. Mileage traveled by vehicles in one (1) fleet may not be included on the application for another fleet.]

[(7) The operator must keep accurate and complete mileage records for the period of twelve (12) consecutive months immediately prior to July 1 of the year immediately preceding the commencement of the registration or license year for which proportional registration is sought. Applicants may estimate mileage for a fleet anticipating operation in Missouri for the first registration period, expanded operations and if mileage was not accrued in an IRP jurisdiction during the reporting period. Estimated mileage by the applicant will not be acceptable if the operator has registered with the commission under a different or assumed name for the same or a similar operation.]

[(8) In-jurisdiction miles means the total number of miles operated by a fleet of proportionally registered vehicles in a jurisdiction during the preceding year. In those cases where the registrant operated a fleet of proportionally registered vehicles in jurisdictions that require no apportionment and grant reciprocity, the base jurisdiction shall add the miles to the in-jurisdiction miles. The commission reserves the privilege to adjust the mileage percentage by the addition or deletion of nonapportional states' miles.]

[(9) *Total miles means the total number of miles operated by a fleet of proportionally registered vehicles in all jurisdictions during the preceding year. Total fleet mileage to be reported for any vehicle which was deleted from or added to the proportional fleet during the fiscal year reporting period shall be only those miles generated by the vehicle while the vehicle was part of the proportional fleet during the fiscal year reporting period.*]

[(10) *Operational records means documents supporting miles traveled in each jurisdiction and total miles traveled such as fuel reports, trip sheets and logs. The records must be preserved for a period of the three (3) preceding years.*]

[(11)](4) **Qualified** [V]ehicles proportionally registered and displaying the Missouri credentials shall be deemed properly registered in all jurisdictions where **such vehicle is** proportionally registered for any type of movement or operation provided the registrant has proper interstate or intrastate authority from the [appropriate regulatory agency] **commission** or is exempt from regulation by the [regulatory agency] **commission**.

[(12)](5) Missouri law forbids the granting of an exemption by the commission from any or all registration fees to any [motor] **qualified** vehicle owners or operators duly licensed in another jurisdiction where substantially equivalent exemptions are not extended by that jurisdiction to vehicles which are duly licensed in [this jurisdiction] **Missouri**.

[(13) *Household goods movers may be registered in the base state of the agent, referred to in this rule as service representative, the equipment shall be registered in the service representative's name and that of the carrier as lessee with the apportionment of fees according to the combined records of the service representative and those of the carrier. Records must be kept or made available in the service representative's base jurisdiction. If the base jurisdiction is of the carrier, the equipment shall be registered by and in the name of the carrier and that of the service representative as lessor with the apportionment of fees according to the records of the carrier and the service representative which must include intrastate miles operated by those vehicles applicable under this agreement, and the records must be kept or made available in the base jurisdiction of the carrier. Service representatives properly registered under this election shall be fully registered for operations under their own authority as well as under the authority of the carrier.*]

[(14) *Owner-operators who lease their vehicles to motor carriers shall accomplish registration as follows:*

(A) *The owner-operator (lessor) may be the registrant and the vehicle shall be registered in the name of the owner-operator with the apportionment of fees according to the operational records of the owner-operator. The identification plates and cab cards shall be the property of the lessor; and*

(B) *The lessee may be the registrant and the vehicle shall be registered by the carrier, but in both the owner-operator's name and that of the carrier as lessee, with the apportionment of fees according to the records of the carrier. The identification plates and cab cards shall be the property of the lessee for registration purposes.*]

[(15) *Vehicles of owner-operators that are not proportionally registered or not fully registered in a jurisdiction having a separate reciprocity agreement with the jurisdiction in which the vehicle is being operated shall be subject to the trip permit requirements.*]

[(16) *Registration of Rental Vehicles.*

(A) *A rental fleet means five (5) or more vehicles rented or offered for rent with or without drivers; the giving of possession and control of vehicles for a specified period of time, and which are designated as a rental fleet. A rental contract will be required to be carried in the vehicle.*

1. *The rental company shall be the registrant and the vehicle shall be registered by the rental company with the apportionment of fees according to the records of the rental company.*

2. *The identification plates and cab cards shall be the property of the rental company for registration purposes.*

(B) *Rental and leasing fleets owned by any person or firm engaged in the business of renting and leasing vehicles for rent or lease with or without drivers, the giving of possession and control of a vehicle for a specified period of time and construed as a long-term lease, and which are designated as a rental or leasing fleet shall register as follows:*

1. *The rental company shall be the registrant and the vehicles shall be registered by the rental company, but in both the rental and leasing company's name and that of the carrier as lessee, with the apportionment of fees according to the records of the rental company;*

2. *The identification plates and cab cards shall be the property of the rental and leasing company for registration purposes; and*

3. *The rental and leasing company must designate if the carrier is using the vehicles as a private carrier or hauling for hire.*

(C) *One (1)-Way Vehicles. Trucks of less than twenty-six thousand pounds (26,000 lbs.) gross vehicle weight operated as a part of an identifiable one (1)-way fleet will allocate vehicles to the respective jurisdictions based on the following mileage factor: Total miles traveled by all one (1)-way vehicles in State X divided by total miles traveled by all one (1)-way vehicles in all states equals percent. After having so registered the percentage of the total one (1)-way fleet in those jurisdictions, all trucks of the one (1)-way fleet so qualified will be allowed to perform both interstate and intrastate movements in all jurisdictions.*]

[(17) *Vehicles which are licensed for the full license year on the original application shall have until the last day of February to display the proportional credentials of Missouri.*]

[(18) *Once an owner has operated a fleet into Missouri without the payment of fees, the carrier cannot again operate any vehicle on the highways of Missouri on reciprocity until the payment of the required fees.*]

[(19)](6) All [commercial motor] **qualified** vehicles shall be registered on a [calendar] **quarterly staggered registration** year basis beginning either January 1, April 1, July 1, or October 1. Applications for renewal and payment are to be filed in accordance with section 301.041, RSMo. A waiver request, in writing, of late filing or late payment may be granted one (1) time only or for other circumstances which the director or his/her designee deems appropriate. [Vehicles being registered for the first time in Missouri as a proportional fleet of vehicles which have not been operated as part of a fleet in the member jurisdictions before April 1 and July 1 may pay three-fourths (3/4) the annual fee, between July 1 and October 1—one-half (1/2) the annual fee, and on and after October 1—one-fourth (1/4) the annual fee. This section shall not prevent the proportional registration at reduced fees for operators which have not entered Missouri with vehicles before the date of reduced fees provided in section 301.030(3), RSMo.]

[(20)](7) Properly prepared proportional applications will be accepted *[by mail, in person, or electronically and subject to an]* audit. The commission may refuse to accept applications which *[list unrealistic mileage or number of vehicles]* list operations that do not appear to be based in or accumulating distance in Missouri, or from applicants or operations whose registration privileges are currently revoked or suspended in another member jurisdiction. The commission reserves the right to obtain further documentation or information to verify compliance with this section. All plates and cab cards and reciprocal exemptions are subject to cancellation and revocation in the event of erroneous issuance or if any fees remain unpaid.

[(21)](8) Cab Card. Evidence of registration other than the license plate which shall be carried at all times in the vehicle for which it is issued and shall be valid for the current registration period. Qualified vehicle cab cards are issued each registration year upon payment. Trailers will be issued a permanent, nonexpiring cab card. Acceptable forms of a cab card include, but are not limited to, the originally issued registration, including such registration issued by electronic means, and any facsimile transmission or photocopy of such original cab card. All acceptable forms of a cab card shall be legible upon visual inspection.

(9) Plates. Qualified vehicles (power units) and trailer plates shall be issued pursuant to section 301.041, RSMo, and displayed pursuant to section 301.130, RSMo. The transfer and refund of plates shall be governed by sections 301.067, 301.121, 301.130, and 301.442, RSMo. The registrant may also obtain one (1) year, three (3) year, or permanent trailer plates through the Department of Revenue.

[(22)](10) Upon completion of initial or renewal applications, subsequent applications may be filed during the current registration year to:

(A) Add vehicle—addition of a power unit or trailer to the fleet that has not been previously registered;

(B) Add vehicle and transfer—the removal of a vehicle from service in a registered fleet to be replaced with another vehicle whether the registered gross weight is the same, to be increased, or to be decreased. A fee credit is not allowed for a vehicle not permanently removed from the fleet such as removal for repair or rebuilding. *[Additions and deletions to a fleet may be made for the payment of the transfer fee only i]If the [deleted] vehicle has been permanently removed from fleet service [by wreckage] due to destruction by accident or change of ownership, change of base point, [extensive repairs,] or expiration or cancellation of lease, the registrant may replace the vehicle with a replacement vehicle. If a registrant elects to remove or withdraw a vehicle from its fleet, the registrant shall either: 1) return the cab card issued to the operator by the commission with an application for the transfer of proportional credentials; or 2) certify that the cab card has been lost, stolen, or destroyed. For each member jurisdiction in which operation has been requested, any required fees will be assessed for those member jurisdictions in accordance with those member jurisdictions' laws. Applications for transfer of apportioned credentials that request a replacement plate must be accompanied by a replacement fee for each plate replaced. Once a vehicle has been removed, the same vehicle cannot later be added back to the fleet for the registration year without the payment of additional fees unless proof of non-use or proof of new ownership is submitted. Upon audit, credit will not be transferable if it is determined that the removed unit was still operating. If a vehicle is added or re-added to the registration fleet and has been issued a Missouri plate in which one hundred percent (100%) of the fees were paid to Missouri, credit will be given on the apportioned fees due Missouri for the current registration year. [Additions may be made to a fleet when*

new vehicles are acquired by purchase or lease and the same number of vehicles are to be removed from service without the payment of additional registration charges. However, a]Additions and [deletions] removals to a registered fleet will not be accepted when the carrier's [file] account indicates that past additions and [deletions] removals were only temporary or for the purpose of allowing two (2) or more vehicles to operate on the payment of one (1) fee for the registration year[.];

(C) Delete vehicle—removal of a vehicle from service in a registered fleet. The plate(s) must be surrendered. The director uses the date the plate is surrendered as a basis for credit or refund, which will be issued pursuant to section 301.121, RSMo. The director provides the registrant with notification letters to other member jurisdictions in which fees have been paid that the applicant may use to obtain refunds, if applicable, from other member jurisdictions. All apportioned license plates for which renewal is not requested shall be returned or postmarked to the director at the end of the current registration year. If an applicant initially elects to renew registration for a vehicle during the annual renewal process and pays all required fees to Missouri and other member jurisdictions for the new registration year and then determines that registration is not desired prior to the effective date of the new registration year, the carrier may obtain a full refund of such registration fees if the plate is returned or postmarked to the director by the last day of the current registration year;

(D) Add jurisdiction—the addition of a member jurisdiction to a registered fleet due to expanding operations or a member jurisdiction was not included during initial registration or renewal. All active qualified vehicles will be assessed fees calculated from the date of request to the end of the current registration year. New cab cards will be issued upon payment. At no time will the director remove member jurisdictions from a fleet registration during the current registration year, unless discovery of an error by the director is made upon re-audit of an application;

(E) Replace cab card—the issuance of a new cab card to replace originally issued cab card;

(F) Fleet to fleet transfer—the movement of a vehicle with plate from one fleet to another within the same carrier account during the current registration year. The director allows credit for fees paid to Missouri. Other member jurisdictions listed in the fleet registration may require additional fees or repayment of fees based on the distance percentage of the new fleet;

(G) Replace plate—the reissuance of a lost, stolen, or destroyed plate;

(H) Amend vehicle—changes or corrections to vehicles in a registration fleet within a carrier account during the current registration year. Any vehicle information except the vehicle identification number may be changed. Fees are calculated based on the amended vehicle application date and vehicle changes;

(I) Cab card correction—changes or corrections to the cab card such as equipment number, make of vehicle, vehicle identification number, title state, title number, United States Department of Transportation (USDOT) number at the vehicle level, and federal identification number at the vehicle level, which has no bearing on fees previously assessed for other member jurisdictions. A new cab card will be issued upon payment of the cab card fee;

(J) Change carrier type/commodity class—changes or corrections to a carrier's type of operation for a specific registered fleet within a carrier account such as private, for hire, and commodity hauled. For member jurisdictions which base fees on carrier type and commodity hauled, additional fees may be due;

(K) Name change—change or correction of the legal name of the registrant at the account level, including USDOT number and federal identification number; or

(L) **Weight group change**—changes to the weights of a group of vehicles which operate at a specific weight in Missouri and other member jurisdictions. Fees will be assessed for the member jurisdictions in accordance with those member jurisdictions' laws based on the weight group changes which were made to all the vehicles within the group. In cases of weight group decrease, no refund or credit will be made.

[(23) If a vehicle is deleted or added to the proportional application, the vehicle must also be deleted or added to the proportional application of all other states listed on the original application. Once a vehicle has been deleted, the same vehicle cannot later be added back to the application for the license year without the payment of additional fees unless a credit is due.]

[(24) If an operator elects to remove or withdraw a vehicle from its fleet, the operator shall either: 1) return the cab card issued to the operator by the commission with a supplemental application for the transfer of proportional credentials or 2) certify that the cab card has been lost, stolen or destroyed. Applications for transfer of apportioned credentials that request a replacement plate must be accompanied by a replacement fee for each plate replaced. Vehicles registered in excess of fifty-four thousand pounds (54,000 lbs.) shall receive a refund or credit of the Missouri registration fees based on the calendar quarters remaining before expiration of the license plate if in accordance with section 301.120, RSMo.]

[(25)](11) [Telegraphic authority or t]Temporary [authorization] vehicle registration (TVR) will be issued for forty-five (45) days for Missouri-based licensed vehicles [and thirty (30) days for vehicles based in a member jurisdiction] upon establishing an account with the commission in lieu of [proportional] apportioned registration and licenses so that a vehicle may immediately operate upon the highways of Missouri unless the commission has cause to believe that the applicant will not forward immediately the fees and [old credentials] documentation due the state of Missouri. A Missouri-based licensed vehicle may have one (1) fifteen (15)-day [telegraphic] TVR extension, but only after all fees and required documents have been submitted. Copies of the [telegram or temporary authorization] TVRs must be carried in the vehicles at all times when no cab cards are available and displayed upon request of any law enforcement or Missouri Department of Transportation official.

(A) **Suspension.** If the commission determines that *[telegraphic authority/ payment and documentation is not received prior to the expiration of the forty-five (45)-day TVR or the privilege of a TVR is being abused [or temporary authorities are unaccountable], the commission [can revoke or] shall suspend the privileges [for either six (6) months or one (1) year and until all the required fees are paid.] of receiving TVRs and/or additional credentials for that registrant's fleets for the duration of the suspension period. Prior to the issuance of any suspension of TVRs and credentials, the commission shall notify the registrant in writing that payment and/or documentation has not been received or the TVR privilege is being abused and provide information regarding action the registrant must take to become compliant. Upon the registrant taking the action set forth in the commission's notice, the suspension shall be terminated. If the suspension is due to TVR abuse, the registrant shall not receive TVRs for the length of the suspension, but may receive other credentials.*

(B) **Revocation.** The alteration of a TVR will result in a one (1)-year TVR revocation. Revocation of TVR privileges does not hinder a registrant's ability to register other vehicles. Revocation of privileges will be reviewed not later than one (1) year after revoca-

tion implementation *[of the suspension]* at which time if all delinquent fees are paid, then a reinstatement order will be issued.

(C) **Fees.** When a request for TVR is made, fees will be charged according to the application type from the time of issuance until the end of the registration year. At no time will the application type be changed during operation or after the expiration of the TVR unless approved by the director or his/her designee. The director or his/her designee may cancel the TVR if the registrant returns the TVR within five (5) days of issuance or reduce TVR fees if the TVR is returned before the expiration date and provided the registrant submits adequate proof to support registrant's written request for reduction of fees.

[(26)](12) Trip Leasing.

(A) A *[n apportioned operator]* registrant may lease equipment to another *[apportioned]* fleet *[operator]* registrant and the lessor shall be responsible for reporting *[on the proportional application]* the *[miles]* distance traveled by the leased equipment. The lessee shall be the person using and operating the equipment by the lease agreement. *[The leased vehicle must bear proportional credentials and be operated only in the jurisdiction to which fees have been paid or a trip permit will be required.]*

(B) An apportioned vehicle may be leased to a nonapportioned carrier in any *[IRP]* jurisdiction. The lessor shall be responsible for reporting the *[mileage]* distance traveled by the leased equipment. *[The leased vehicle must bear proportional credentials and can be operated in Missouri only if fees have been paid to Missouri, otherwise a trip permit will be required.]*

(C) *Full fee Missouri carriers may temporarily lease proportionally registered vehicles bearing proper Missouri credentials, provided the apportioned carrier reports the mileage traveled while the equipment is under lease. The Missouri full fee carrier must send a report of mileage traveled by the leased equipment to the apportioned carrier.]*

[(27) The nonfleet operator in a prorate state may be required to apply for a reciprocity cab card from the commission.]

[(28) A Missouri certificate of ownership (title) for a leased or rented vehicle shall not be required for a registrant if the motor vehicle is otherwise properly and duly registered under the provisions of the IRP. A copy of the valid title and a copy of the lease must be submitted with the registration application.]

*[(29)](13) The commission reserves the power to fix and collect a reasonable fee to cover the costs of handling and issuing all credentials or other evidence of proper registration necessary for operating a *[motor]* qualified vehicle in this state. *[In every event, the charge made against owners-operators from other jurisdictions will be at least equal to charges directed against Missouri-based owners-operators by other jurisdictions.]**

(14) The commission shall require the following prerequisite documentation to support an application for apportioned registration:

*[(30)](A) Personal Property Tax Receipt Required. A Missouri tax receipt or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing payment of the personal property tax or that no tax is due by *[a Missouri applicant]* the owner is a prerequisite to the registration of *[motor]* qualified vehicles. A detailed vehicle listing or copy of the assessment form filed by the vehicle owner with the county assessor may be requested in addition to the tax receipts when the receipt does not include complete vehicle information. Carriers using Missouri as the base jurisdiction for*

apportioned registration purposes asserting no distance was operated by specific vehicles in Missouri shall submit to the commission the Affidavit Affirming No Missouri Distance Traveled, which is incorporated herein by reference and made a part of this rule as published by the Missouri Highways and Transportation Commission, Motor Carrier Services Division, 1320 Creek Trail Drive, Jefferson City, MO 65109, effective August 1, 2007, which lists those specific vehicles and requires the signatures of both the county collector and assessor. This rule does not incorporate any subsequent amendments or additions of this affidavit. Such affidavit shall not be used as a waiver by any registrant. The Affidavit Affirming No Missouri Distance Traveled may be obtained from the Motor Carrier Services Division website at: http://www.modot.org/mcs/forms_manuals.htm.

[(31)](B) Federal Heavy Vehicle Use Tax Receipt Required. [Highway motor] **Qualified** vehicles that have a taxable gross weight of fifty-five thousand pounds (55,000 lbs.) or more are [taxable. Proof] **required to show proof** of payment of Federal Heavy Vehicle Use Tax or that no tax is due [is] as a prerequisite to the registration of a [motor] **qualified** vehicle.

[(32)](C) Liability Insurance. Effective July 1, 1987 each Missouri-based registrant must maintain liability insurance coverage or provide proof of self-insurance, if applicable, on all vehicles bearing a Missouri-apportioned license plate. Proof of liability insurance coverage is a prerequisite to the registration of a [motor] **qualified** vehicle.

(D) Lease Agreement. A copy of all lease agreement(s), if applicable, will be required for all vehicles under the control and possession of the registrant. Such lease agreement shall comply with the requirements of 7 CSR 265-10.040.

(E) Titles. Proof of certificate of ownership is required for all vehicles. When the vehicle is owned by the registrant, a Missouri certificate of ownership in the legal name of the registrant will be required. When a vehicle is owned by another entity other than the registrant, the certificate of ownership from the entity's resident jurisdiction will be accepted.

[(33)](15) Vehicles Operated Solely in Intrastate Commerce. Notwithstanding any other provision of law, no reciprocity shall be granted under any statute or agreement for the operation of any [commercial motor] **qualified** vehicle within Missouri solely in intrastate commerce, but all vehicles so engaged must be duly registered and licensed in Missouri.

(16) Any contractor or sub-contractor of the commission that is subject to regulation under these administrative rules shall at all times while conducting business with the commission under such contract be in good standing with the laws of the state of Missouri and the administrative rules of the commission, or shall obtain full compliance with such laws or rules within ten (10) days of being notified in writing of noncompliance by Motor Carrier Services Division (MCS).

[(34)] Does Not Cover Missouri Highways and Transportation Commission Fees. Nothing in these rules shall be interpreted to govern any provisions or agreements as to reciprocity concerning the commission's fees and charges. All questions concerning the fees and charges of the commission are to be determined exclusively by the reciprocal agreements entered into by the commission.]

[(35)] Nothing in this rule shall be interpreted to govern any provisions or agreements as to motor fuel taxes, except for motor fuel taxes assessed or collected pursuant to the International Fuel Tax Agreement. All questions concerning the fees and charges relating to motor fuel taxes, other than motor fuel taxes pursuant to the International Fuel Tax Agreement, are to be determined by the Department of Revenue, Tax Administration Bureau, Special Fuel Tax Section.]

AUTHORITY: sections 142.617, **226.130** and 301.275, RSMo 2000 and 226.008, RSMo Supp. 2006. This rule originally filed as 12 CSR 20-3.010. Original rule filed July 22, 1965, effective Aug. 1, 1965. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 9, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.184 Electricity, Water and Gas. This rule interpreted the sales tax law as it applied to the sale of electricity, water and gas, and interpreted and applied sections 144.010, 144.020 and 144.030.2(23), RSMo.

PURPOSE: This rule is being rescinded because it has been replaced with 12 CSR 10-108.300 Sales of Electricity, Water and Gas.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 55 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-86 was last filed Dec. 3, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Dec. 30, 1983, effective April 12, 1984. Emergency amendment filed Aug. 18, 1994, effective Aug. 28, 1994, expired Dec. 25, 1994. Emergency amendment filed Dec. 9, 1994, effective Dec. 26, 1994, expired April 24, 1995. Amended: Filed Aug. 18, 1994, effective Feb. 26, 1995. Rescinded: Filed Aug. 14, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within

thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.466 Revocation Orders. This rule interpreted the sales tax law as it applied to revocation orders.

PURPOSE: This rule is being rescinded because it is no longer needed.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 083-1 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Jan. 15, 1987, effective May 11, 1987. Rescinded: Filed Aug. 14, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.468 Retail Sales Tax License Necessary. This rule interpreted the sales tax law as it applied to obtaining a retail sales tax license.

PURPOSE: This rule is being rescinded because it is no longer needed.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 083-2 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed June 22, 1987, effective Oct. 25, 1987. Rescinded: Filed: Aug. 14, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within

thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 6—Motor Vehicle Fuel Tax

PROPOSED RULE

12 CSR 10-6.100 Motor Fuel Tax Exemption for Operators of Public Mass Transportation Service

PURPOSE: Section 142.817, RSMo exempts operators of public mass transportation service from motor fuel tax. This rule explains how the exemption is to be claimed.

(1) In general, fuel used to operate public mass transportation services is not subject to Missouri motor fuel tax. Fuel that is not subject to Missouri motor fuel tax is subject to Missouri state and local sales tax, unless otherwise exempted under Chapter 144, RSMo.

(2) Basic Application.

(A) Operators of public mass transportation services who purchase fuel on or after August 28, 2007, and paid the Missouri motor fuel tax may obtain a refund of the tax. The operator of the public mass transportation service must certify to the department, on a form prescribed by the director, that the motor fuel will be used exclusively in the operation of the mass transportation service.

1. The operator must submit the claim on a form prescribed by the department within one (1) year of the date of purchase or April 15 of the year following the purchase, whichever is later.

2. The refund will equal the motor fuel tax, less all applicable state and local sales taxes unless the entity is otherwise exempt from Missouri sales tax.

(B) Ultimate vendors may make bulk sales of motor fuel to the exempt public mass transportation service on or after August 28, 2007, without collecting the state motor fuel tax. The ultimate vendor that purchased the motor fuel and paid the Missouri motor fuel tax may obtain a refund if the ultimate vendor sold the motor fuel without charging the Missouri motor fuel tax.

1. Operators must furnish the ultimate vendor a Public Mass Transportation Operator Exemption Certificate in order to purchase the motor fuel without being charged the Missouri motor fuel tax. This form is available at the department's central office, or may be downloaded at <http://www.dor.mo.gov/tax/business/fuel/forms/index.htm>.

2. Any ultimate vendor who is a retailer, and not licensed as a supplier or distributor, must submit the claim on a form prescribed by the director within two (2) years of the date of purchase.

3. If the ultimate vendor is licensed as a Missouri supplier or distributor, the claim for refund must be submitted on a form prescribed by the director and must be filed within three (3) years of the date of purchase.

4. The ultimate vendor must collect and remit to the department any applicable state and local sales taxes at the rate in effect at the vendor's place of business.

(3) Examples.

(A) A public mass transportation service operator has vehicles that operate on gasoline or gasohol. The operator goes to the pump to fuel its vehicles. The operator will purchase the gasoline or gasohol subject to all taxes and may apply for a refund of the state motor fuel tax.

(B) A public mass transportation service operator has vehicles that operate on diesel fuel. The operator may purchase clear diesel fuel subject to the state motor fuel tax and apply for a refund or if allowed under federal law, it may purchase dyed diesel fuel, which is exempt

from state and federal fuel tax. It is required to complete and provide the ultimate vendor with an exemption certificate prior to filling any vehicles or ordering any dyed diesel fuel.

(C) A public mass transportation service operator has bulk storage facilities for the motor fuel used to fuel its vehicles. The ultimate vendor who delivers the motor fuel may sell the product without charging the motor fuel tax. The ultimate vendor would charge any applicable sales tax unless the operator is exempt from sales tax under state law. The ultimate vendor would then apply for a refund of the motor fuel tax it paid on the motor fuel but did not collect from the operator.

(D) A public mass transportation service operator has vehicles that operate on diesel fuel and meet the exemption requirements under federal law. Its routes include states other than Missouri, and the other state does not allow the use of dyed diesel fuel on public roadways. Even though Missouri and the federal government would allow the use of dyed diesel fuel, the operator must purchase and use clear fuel in the vehicles that cross into the neighboring state.

AUTHORITY: sections 142.818 and 142.824, RSMo 2000, 136.035, RSMo Supp. 2006, and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Original rule filed Aug. 14, 2007.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost private entities approximately twenty-four thousand eight hundred seventy dollars (\$24,870) in fiscal year 2008 and thirty-seven thousand two hundred seventy-nine dollars (\$37,279) in fiscal years after 2008 with that cost recurring annually over the life of the rule.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Revenue**
Division Title: Director of Revenue
Chapter Title: Chapter 6 – Motor Fuel Tax

Rule Number and Title:	12 CSR 10-6.100 Motor Fuel Tax Exemptions for Operators of Public Mass Transportation Service
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
829 - 1,243	Operators of public mass transportation services	\$24,870 - \$37,279

III. WORKSHEET

Based upon MODOT information in FN 0246-06, it is estimated that there will be approximately 829 claims for refund filed in FY08 (\$1,127,000 divided by \$0.17 divided by 8,000 gallons, average truck load) and 1,243 in subsequent years (\$1,691,000 divided by \$0.17 divided by 8,000 gallons). It is estimated that most if not all of these entities will be exempt from sales tax. The average cost of completion for a claim is \$30. The total cost to file is \$24,870 to \$37,279.

Filing Costs (FY08)	<u>\$ 24,870</u>
Total	\$ 24,870

Filing Costs – after FY08	<u>\$ 37,279</u>
Total	\$ 37,279

IV. ASSUMPTIONS

The department assumes that for purposes of this fiscal note, while the number of gallons claimed may not substantially change following the implementation of this rule, the number of claims may be less due to more gallons being claimed on each refund claim.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 22—Senior Citizens Tax Relief**

PROPOSED RESCISSION

12 CSR 10-22.010 Senior Citizen Claim Forms. The senior citizen claim form, together with certification for rent paid and table for determining amounts were assigned a rule number in order to comply with the uniform procedures adopted by the secretary of state under section 536.023, RSMo 1986. They were designed to assist senior citizens in computing the amount of credit or payment due to them on the basis of the relationship between their income and the property taxes or rent paid during the year.

PURPOSE: This rule is being rescinded because it is no longer needed.

AUTHORITY: sections 135.015 and 135.030, RSMo 1986. Form, statement and table filed Jan. 29, 1974, effective Feb. 8, 1974. Amended: Filed Feb. 10, 1975, effective Feb. 20, 1975. Amended: Filed Dec. 23, 1975, effective Feb. 2, 1976. Rescinded: Filed Aug. 14, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 22—Senior Citizens Tax Relief**

PROPOSED RESCISSION

12 CSR 10-22.020 Eligibility to File Claim(s) by Married Persons. This rule was designed to clarify the eligibility of married persons filing combined or separate claims under the Tax Relief Law (sections 135.010–135.035, RSMo).

PURPOSE: This rule is being rescinded because it is no longer needed.

AUTHORITY: section 135.015, RSMo 1986. Original rule filed Oct. 15, 1985, effective Jan. 26, 1986. Rescinded: Filed Aug. 14, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO

65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.365 Issuance of Nonresident Salvage-Buyer's Identification Card. This rule set forth the procedures for issuance of nonresident salvage-buyer's identification card.

PURPOSE: This rule is being rescinded due to legislation that repeals the requirement for out-of-state salvage-buyers to obtain a nonresident salvage-buyer's identification card in order to buy at Missouri salvage pools and disposal sales.

AUTHORITY: section 301.218, RSMo 1986. Original rule filed Nov. 18, 1986, effective March 12, 1987. Emergency rescission filed Aug. 8, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Rescinded: Filed Aug. 8, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.444 Ten-Year Disqualification. The director proposes to amend sections (2), (3) and (4).

PURPOSE: This amendment clarifies the requirements for obtaining a commercial driver license after a ten-year disqualification.

(2) The applicant must prove to the director that during the ten (10) years immediately preceding the application the applicant:

(A) Has had no alcohol- or drug-related conviction(s) as defined in section 302.700, RSMo, in Missouri or any other jurisdiction [involving operation of a commercial motor vehicle or while operating a noncommercial motor vehicle when licensed as a commercial driver];

(B) Has successfully completed an alcohol- or drug-related traffic offender [or] rehabilitation, or a comparable program, which meets or exceeds the minimum standards approved by the Department of Mental Health [or a comparable program approved by the Department of Mental Health] if the disqualifying offenses were drug or alcohol related;

(C) Has had no commercial motor vehicle conviction(s) [or non-commercial motor vehicle convictions while licensed as a

commercial driver] in Missouri or any other state during the ten (10)-year period preceding the application;

(3) For purposes of *[determining] verifying* an applicant's *[eligibility for restoration of commercial driving privileges]* **prior ten (10)-year alcohol and drug history**, the applicant shall provide a copy of his/her **closed** criminal history for the immediately preceding ten (10) years to the director of revenue *[or authorize access to such criminal history by completing DOR-4383, Authorization to Perform Criminal Background Check]*.

(4) If the director finds the applicant is eligible for restoration to commercial driving status, the written and driving skills examinations as specified in 12 CSR 10-24.395 shall be successfully completed before a commercial driver[s] license is issued.

AUTHORITY: sections 302.755, **RSMo Supp. 2006** and 302.765, **RSMo 2000**. Original rule filed Nov. 29, 1995, effective May 30, 1996. Amended: Filed April 11, 2005, effective Oct. 30, 2005. Amended: Filed Aug. 8, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 10—Director of Revenue

Chapter 26—Dealer Licensure

PROPOSED RULE

12 CSR 10-26.200 Out-of-State Dealer Request to Participate in Missouri Recreational Vehicle Show or Exhibit

PURPOSE: Section 301.566, **RSMo**, requires a recreational vehicle (RV) dealer licensed in another state who intends to participate in a RV show or exhibition in Missouri to notify the Department of Revenue at least thirty (30) days prior to the event. This rule establishes the form that must be used to notify the department.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Each licensed out-of-state recreational vehicle (RV) dealer who wants to participate in a vehicle show or exhibition in Missouri must complete a Request For Out-Of-State Dealer Participation In Missouri Recreational Vehicle Show or Exhibit (FORM DOR 5132). The Form DOR 5132 must be received by the Department of Revenue, Customer Service Division, Dealer Licensing Section, PO

Box 43, Jefferson City, MO 65105-0043, at least thirty (30) days before the RV show or exhibit. No other notice may be used.

(A) The Request For Out-Of-State Dealer Participation In Missouri Recreational Vehicle Show Or Exhibit (FORM DOR 5132), revised April 2007, is incorporated by reference, is published by and can be obtained from the Missouri Department of Revenue, Customer Service Division, Dealer Licensing Section, PO Box 43, Jefferson City, MO 65105-0043, or at www.dor.mo.gov/mvdl/motorv/forms/5132.pdf. This form does not include any amendment or addition since the revision date noted.

(B) The department will notify the RV dealer of its decision to approve or deny the request for participation in the RV show or exhibition at least fifteen (15) days prior to the event. If approved, the dealer must keep a copy of the department's approval letter at the show or exhibition for inspection.

AUTHORITY: sections 301.552, **RSMo 2000** and 301.566, **RSMo Supp. 2006**. Original rule filed Aug. 8, 2007.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 10—Director of Revenue

Chapter 103—Sales/Use Tax—Imposition of Tax

PROPOSED AMENDMENT

12 CSR 10-103.380 Photographers, Photofinishers and Photoengravers, as Defined in Section 144.030, RSMo. The director proposes to amend the title, amend subsections (3)(C), (3)(E), (3)(F), and subsections (4)(D) through (4)(F).

PURPOSE: This rule is being amended due to TAFP HCS SCS SB 196, enacted by the 93rd General Assembly, 2005 and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007.

(3) Basic Application of Tax.

(C) The sale of negative development services only, where no prints, slides or other tangible personal property are received, is not subject to tax. The developer must pay tax on materials and supplies used in the development process **because developing is a service that is not subject to tax.**

(E) *[Supplies such as film, chemicals and other materials purchased for the photographer's own use or consumption are taxable.]* Chemicals that are intended to and do remain with the final product are considered an ingredient or component part of the final product for resale and are therefore not subject to tax.

(F) Equipment such as cameras and lenses, which is directly used to manufacture new **tangible** personal property intended to be sold ultimately at retail, is exempt from tax. Replacement parts for this exempt equipment are also exempt.

(4) Examples.

[(D) A photographer purchases chemicals and other supplies used to develop photographs. These chemicals and

supplies are not intended to remain with the photograph. These purchases are subject to tax because they are consumed in the developing process and do not become a component or ingredient part of the photograph.]

[(E)] (D) A photographer purchased new cameras and a new lens to replace a broken lens. The new cameras allow the photographer to photograph twice as many pictures. The photographer can purchase the cameras exempt because it increases productivity. The new lens would also be exempt as replacement equipment.

[(F)] (E) A photographer scans photographs into a computer for customers. If the photographer provides the customer a CD containing the images, the sale is taxable. However, if the photographer sends the images to customers via the Internet, the photographer has not sold tangible personal property and should not collect tax on this sale.

AUTHORITY: section 144.270, RSMo [1994] 2000. Original rule filed June 29, 2000, effective Dec. 30, 2000. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Amended: Filed Aug. 14, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax**

PROPOSED RULE

12 CSR 10-103.381 Items Used or Consumed by Photographers, Photofinishers and Photoengravers, as Defined in Section 144.054, RSMo

PURPOSE: Section 144.054.2, RSMo exempts from state sales tax and local use tax, but not local sales tax, machinery, equipment, materials and chemicals used or consumed in manufacturing, processing, compounding, mining or producing any product or used in research and development related to manufacturing. This rule explains the exemption for photographers, photofinishers and photoengravers.

(1) In general, purchases of machinery, equipment, materials and chemicals used or consumed in manufacturing, processing, compounding, mining or producing any product or used in research and development related to manufacturing are exempt from state sales tax and local use tax, but not local sales tax.

(2) Definition of Terms: See the definition of terms in 12 CSR 10-111.010 Machinery and Equipment Exemptions.

(3) Basic Application of Tax.

(A) Supplies such as film, chemicals and other materials purchased for the photographer's use or consumption are exempt from

state sales tax and local use tax, but not local sales tax.

(4) Examples.

(A) A photographer purchases chemicals and other supplies used to develop photographs. These chemicals and supplies are not intended to remain with the photograph. These purchases are exempt from state sales tax and local use tax, but not local sales tax, because they are consumed in the developing process.

AUTHORITY: section 144.270, RSMo 2000 and CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Original rule filed Aug. 14, 2007.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax**

PROPOSED AMENDMENT

12 CSR 10-103.400 Sales Tax on Vending Machine Sales, as Defined in Section 144.054, RSMo. The director proposes to amend section (1), and subsection (3)(I).

PURPOSE: This rule is being amended due to TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007.

(1) In general, sales of tangible personal property, other than photocopies and tobacco products, through vending machines are subject to tax based on one hundred thirty-five percent (135%) of the net invoice price of the tangible personal property. The applicable tax rate is the rate in effect at the location of the vending machine. Sales of photocopies and tobacco products are subject to tax on their retail sales price. *[Purchases of machines or parts for machines used in a commercial vending machine business are subject to tax unless tax is paid on the gross receipts derived from the use of the machines.] Purchases of machines or parts for machines used in a commercial vending machine business are not subject to tax if tax is paid on the gross receipts derived from the sale of the tangible personal property through the vending machines.*

(3) Basic Application of Tax.

(I) *[Purchases of machines or parts for machines used in a commercial coin-operated vending business are subject to tax unless tax is paid on the gross receipts derived from the use of the machines.] Purchases of machines or parts for machines used in a commercial vending machine business are not subject to tax if tax is paid on the gross receipts derived from the sale of the tangible personal property through the vending machines.*

AUTHORITY: section [143.961] 144.270, RSMo 2000, and CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Original rule filed May 1, 2006, effective Nov. 30, 2006. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Amended: Filed Aug. 14, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax**

PROPOSED AMENDMENT

12 CSR 10-103.555 Determining Taxable Gross Receipts. The director proposes to amend the purpose, sections (2) through (4), and reletter existing subsections accordingly.

PURPOSE: This rule is being amended due to TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007.

PURPOSE: Section 144.021, RSMo, imposes a tax on a seller's gross receipts. Section 144.083, RSMo, addresses the application of tax involving third party payments. This rule provides guidance for reporting gross receipts.

(2) Definitions.

(A) Buydown payments—payments received by a seller under an agreement with a manufacturer or wholesaler to lower the cost of inventory sold to consumers for a stated sales price.

[(A)] (B) Gross receipts—the total amount of the sale price of taxable services and tangible personal property including any services, other than charges incident to the extension of credit, that are a part of such sale and are capable of being valued in money, whether received in money or otherwise.

[(B)] (C) Rebate—a return of part of an amount given in payment.

(D) Store coupons—coupons issued by the seller to reduce the stated price of a product to the purchaser.

[(C)] (E) Taxable sales—the total amount of gross receipts plus or minus any adjustments permitted or required by law.

(F) Third party coupons—coupons issued by a manufacturer or other third party to apply to the purchase of the product.

(3) Basic Application of Tax.

(C) When the [taxpayer] seller accepts third party coupons, only the [total sale] price [includes the value of the coupon. When the taxpayer accepts third party coupons along with food stamps, the value of the food stamps is not included in taxable sales, but the value of the coupon is included in taxable sales.] paid by the purchaser is included in the gross receipts subject to tax.

(D) The value of a store coupon issued and redeemed by [the] a seller is not [included in taxable sales] subject to tax. Store coupons are not included in gross receipts.

(E) When the seller accepts federal food stamp coupons, the value of the federal food stamp coupons is not included in gross receipts.

[(E)] (F) Rebates from sellers or manufacturers do not reduce taxable sales unless they are offered instantly at the time of sale, except for rebates on motor vehicles, boats, trailers and outboard motors.

[(F)] (G) A taxpayer accepting an article in trade as a credit or part payment on the purchase price should include the value of the article in gross receipts. The value of the article should be deducted from gross receipts when calculating taxable sales.

[(G)] (H) Money received in advance, such as down payments, layaways or gift certificates, are not included in gross receipts until the sale has been consummated.

[(H)] (I) Charges to customers for the extension of credit, such as late fees or financing charges are excluded from gross receipts.

[(I)] (J) A seller's expenses associated with utilizing the service of credit card companies are not excluded from gross receipts.

[(J)] (K) If the taxpayer's inventory is stolen or destroyed by fire or other casualty, the insurance receipts are not subject to tax and should not be included in gross receipts.

(L) When tangible personal property is subject to a federal manufacturer's excise tax imposed by sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261, or 4271 of Title 26, United States Code, the amount of the tax is not included in gross receipts if the retail seller collects the excise tax from the purchaser and remits it to the federal government.

(M) Gross receipts from the sale of cigarettes do not include the amount of the sale price that represents the state tax on the cigarettes under Chapter 149, RSMo. Gross receipts from the sale of other tobacco products include the amount of the sale price that represents the state tax on the other tobacco products under Chapter 149, RSMo. Local cigarette taxes authorized by law and imposed and paid in the manner of the state tax under Chapter 149, RSMo, are not included in gross receipts. All other local cigarette taxes are included in gross receipts.

(N) Buydown payments are not gross receipts subject to tax. Buydown payments serve to reduce the sales price to all purchasers by reducing inventory cost to the seller. Buydown payments are not payments for the retail price of the product.

(4) Examples.

(A) A grocery store accepts manufacturer's coupons from its customers on purchases of various goods. The store sells aluminum foil for \$1.50. The customer presents to the store a \$.50 manufacturer's coupon and pays the remaining balance of \$1.00. The store submits the \$.50 coupon to the manufacturer for payment of the \$.50. The gross receipts from the sale of the aluminum foil are [\$1.50/ \$1.00 and total taxable sales are [\$1.50/ \$1.00. Tax should be charged on [\$1.50/ \$1.00.

(B) On Tuesdays, the same grocery store in Example (A) doubles all manufacturers' coupons. The store then receives \$.50 from the customer and \$.50 from the manufacturer. Gross receipts are [\$1.00/ \$.50, and total taxable sales are [\$1.00/ \$.50. Tax should be charged on [\$1.00/ \$.50.

(C) An appliance manufacturer offers a \$100 cash rebate on an \$800 refrigerator. [The store selling the refrigerator should charge tax on \$800.] Tax is due on [\$800/ \$700, [whether] if the rebate is received by the customer at the time of purchase. If the customer must request the rebate from the manufacturer at [or] a later date[,], tax is due on \$800 because that is the sale price paid at the time of purchase.

(G) A retailer ordinarily sells a brand of cigarettes for \$4 per pack. The manufacturer of that brand of cigarettes agrees to a "buydown" with the retailer. Under the buydown agreement, the manufacturer will reimburse the retailer \$.50 per pack if the retailer sells the cigarettes for \$3.50 for a month. The gross receipts and taxable sales from the sales of the cigarettes are

\$3.50 per pack, which includes the buydown, less any amount attributable to the state tax imposed pursuant to Chapter 149, RSMo.

(H) A retailer ordinarily sells a brand of cigarettes for \$4 per pack. The manufacturer of that brand of cigarettes agrees with the retailer to reduce the purchase price to the retailer by \$.50 per pack if the retailer sells the cigarettes for \$3.50. The gross receipts from the sales of the cigarettes are \$3.50 per pack, less any amount attributable to the state tax imposed pursuant to Chapter 149, RSMo.

AUTHORITY: section 144.270, RSMo [1994] 2000, and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Original rule filed Aug. 21, 2000, effective Feb. 28, 2001. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Amended: Filed Aug. 14, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 108—Sales/Use Tax—Taxable Services**

PROPOSED RULE

12 CSR 10-108.100 Amusement, Entertainment and Recreation

PURPOSE: Section 144.020.1(2) imposes a tax on amounts paid for admission and fees paid to or in a place of amusement, entertainment and recreation. This rule explains what services are taxable in places of amusement, entertainment or recreation, games and athletic events. This rule also addresses the purchase of amusement devices under section 144.518, RSMo.

(1) In general, tax is imposed on the amount paid for admission to or participation in any place of amusement, entertainment or recreation, games and athletic events. Such amounts are exempt if all the proceeds benefit a political subdivision.

(2) Definitions.

(A) Amusement—a pleasurable diversion or entertainment.

(B) *De minimis*—a minimal or insignificant portion of the business activity. Factors to consider in determining whether amusement, entertainment or recreation, games and athletic events constitute more than a *de minimis* portion of business activity include, but are not limited to:

1. Comparative amounts of revenue or profit;
2. The physical space devoted to the activity at the business location;
3. The way the taxpayer holds itself out to the public; and
4. How the activity is held out to the public.

(C) Equity ownership interest—the right to participate in or direct the distribution of any surplus of the organization upon dissolution.

(D) Place of amusement—a place where, for the period of time for

which an amount is charged, amusement, entertainment or recreation, games and athletic events constitutes more than a *de minimis* portion of the business activity. The term “place of amusement” also includes a location for amusement purposes that is separated from the rest of the business location, even if the rest of the business is not treated as a place of amusement. The term “place of amusement” does not include a location that is separated from the rest of the business location and used for purposes other than amusement, even if the rest of the business is treated as a place of amusement.

(3) Basic Application.

(A) Amounts paid to a place of amusement for admission to or participation in the amusement are taxable. Amounts paid for lessons are not subject to tax.

(B) Amounts paid to obtain, maintain or enhance an equity ownership interest in a place of amusement are not subject to tax. Non-refundable initiation fees and capital assessments paid by a member who does not have an equity ownership interest in the place of amusement are taxable. An equity ownership does not exempt a member from paying tax on other amounts subject to tax under this regulation, including charges for guests.

(C) Regardless of whether tax was paid on the purchase of tangible personal property, if the tangible personal property is an indispensable part of the amusement, any amount paid to participate in such amusement activity is subject to tax. The tax is due whether or not the amounts charged for the tangible personal property and other items are separately stated.

(D) Any amount paid in a place of amusement for optional services that are themselves an amusement, or that facilitate participation in or admission to an amusement, is subject to tax.

(E) Admission tickets to a place of amusement located in Missouri that are sold through other businesses, such as grocery stores and ticket outlets (inside or outside the state of Missouri), are taxed on the gross receipts received by the place of amusement at the rate applicable for the location of the place of amusement. The place of amusement is responsible for reporting all admission ticket sales made through all outlets. Amounts received for admission to a place of amusement by businesses other than the place of amusement (e.g., ticket brokers) are not subject to tax. Mandatory service charges imposed by a place of amusement in addition to the stated ticket price on tickets sold for admission to the place of amusement are subject to sales tax.

(F) Receipts from amusement devices, other than coin-operated amusement devices, are taxable if the devices are located in a place of amusement and tax was not paid on the purchase of the devices. If the amount of tax is posted or otherwise disclosed, the tax is assumed to be included in the receipts. If the amount of tax is not posted or otherwise disclosed, the tax is calculated on the full amount of the receipts. The tax is due at the tax rate of the place of amusement, not the device owner's place of business. If both the owner of the device and the operator of the place of amusement where the device is located sign a written receipt setting forth each party's share of the receipts, each party is responsible for its portion of the tax. If the owner of an amusement device takes control over the receipts and there is no signed receipt, the owner is responsible for one hundred percent (100%) of the tax and the operator is not liable for any tax. If the operator takes control over the receipts and there is no signed receipt, the operator is responsible for one hundred percent (100%) of the tax.

(G) Purchases of machines or parts for machines used in a commercial coin-operated amusement business are subject to tax unless tax is paid on the gross receipts derived from the use of the machines.

(H) The place of amusement must pay tax on purchases of printed tickets and game tokens. The purchase of tangible personal property, other than an amusement device, used to provide the amusement, recreation and entertainment services is also subject to tax.

(I) The purchase of prizes and awards to be given to participants

who pay to participate in a game or contest is subject to tax unless tax is paid on the receipts from the game or contest. The purchase of promotional items is subject to tax, unless the items are provided only to people who pay for the taxable amusement.

(J) Gifts of tickets by a place of amusement are not subject to tax.

(K) Purchases of game to stock a sports hunting range are not subject to tax.

(4) Examples:

(A) Places of amusement include, but are not limited to:

1. Billiard center
2. Fitness center
3. Excursion vessel
4. Helicopter hired for sightseeing
5. Country club
6. Arcade
7. Wild game ranch
8. Bowling alley
9. Adult video arcade
10. Hot air balloon ride
11. Nightclub
12. Resort
13. Racetrack
14. Shooting range
15. Indoor and outdoor sports facilities
16. Scenic railway
17. Summer camp
18. Amusement park
19. Private lake
20. Tavern

(B) The following are examples of places that are not usually considered to be places of amusement:

1. River
2. Hotel or motel lobby
3. Bus station
4. Airport

(C) A golf course charges \$40 to play golf, which price does not include the use of a golf cart. The course charges an additional \$20 if the players choose to rent one of its golf carts. The \$40 for golf is subject to tax. The \$20 for the rental of the cart is subject to tax unless the course paid tax on the cart at the time of purchase.

(D) A golf course charges \$50 to play golf and an additional mandatory \$20 charge designated as the rental of a golf cart. The entire \$70 is subject to tax even though the amount for the cart rental is separately stated. The course also must pay tax on the purchase of the golf cart.

(E) A country club charges \$40 per session of golf lessons. The \$40 is not subject to tax.

(F) A guest at a resort pays \$40 for a haircut. This amount is not taxable, even though paid in a place of amusement, because a haircut is not an amusement, and does not facilitate participation in or admission to an amusement.

(G) A private golf club operates a dining facility that serves food and beverages only to the club's members and their guests. The sales of food and beverages by the club are not subject to tax but the club must pay tax on its purchases of these items.

(H) A shooting range charges a fee for its customers to use its facilities to shoot at various types of targets. The fee is subject to tax as a fee paid to a place of amusement. The business must also pay tax on any items used or consumed to provide the amusement unless title or ownership to such items is actually transferred to the customer.

(I) A nightclub or tavern charges patrons a mandatory \$5 cover charge on Friday nights. This cover charge is subject to tax because the nightclub or tavern is a place of amusement.

(J) A business offers patrons helicopter sightseeing rides for a fee. The fee is subject to tax.

(K) A business operates a hunting preserve. It charges a fee for

patrons to hunt on the preserve. The fee is subject to tax and the business must also pay tax on any items used or consumed to provide the entertainment.

(L) A business charges a \$10 fee for participants to use its go-karts. The go-karts may only be used on the business's racetrack. The entire \$10 fee is subject to tax. In addition, the business must pay tax on the purchase of the go-karts.

(M) A country club has two classes of members, senior and junior. In order to obtain membership, senior members are required to pay a one-time fee of \$50,000, which entitles them to vote on club matters and to receive a share of any distribution on liquidation of the club. The \$50,000 payment is not taxable. Junior members must pay a one-time initiation fee of \$5,000. Junior members have the right to use club facilities, but do not have the right to vote or share in a distribution. The \$5,000 initiation fee is taxable because the junior member does not obtain an equity ownership (the right to vote and share in distributions) in the club. In addition, all members must pay \$200 per month to use the facilities. The \$200 is subject to tax as a fee paid to a place of amusement.

(N) A hotel offers two shuffleboard courts to guests for a fee. The courts are not in a separate facility. The profits from the shuffleboard are *de minimis* in relation to the total profits of the business. The fees paid for the shuffleboard are not taxable.

(O) A restaurant has a single pool table that is not a coin-operated amusement device located in its facility. The profit from the pool table is *de minimis* in relation to the total profits of the business. Tax was paid on the purchase of the pool table. The receipts from this pool table are not taxable.

(P) A ticket broker sells tickets for admission to a theatre that the broker does not operate. The broker charges a service charge on the sale of the ticket. The broker does not collect tax on its sales of the tickets or the service charge. The theatre must pay tax on the gross receipts it receives from the broker.

(Q) For a fee, a water park provides inner tubes for use in the wave pool. The inner tubes are not required to swim in the wave pool. These tubes may also be used in other activities at the park. The water park also provides without charge inner tubes for use in these other activities, but these tubes may not be used in the wave pool. The water park must collect and remit tax on the amounts received from the wave pool inner tubes if tax is not paid on the purchase of the inner tubes.

(R) An arcade has skee ball, air hockey, video games and pinball machines. The taxpayer may elect to pay tax either on the purchase of the machines or the gross receipts from the machines.

AUTHORITY: sections 144.270, RSMo 2000, and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Original rule filed Aug. 14, 2007.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Revenue forty-four thousand three hundred thirty-eight dollars and fifty cents (\$44,338.50) with that cost recurring annually over the life of the rule.

PRIVATE COST: This proposed rule is estimated to cost private entities five hundred ninety-five thousand dollars (\$595,000) with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC COST

- I. Department Title: Department of Revenue**
Division Title: Director of Revenue
Chapter Title: Chapter 108 – Sales/Use Tax-Taxable Services

Rule Number and Name:	12 CSR 10-108.100 Amusement, Entertainment and Recreation
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
Missouri Department of Revenue	\$44,338.50

III. WORKSHEET

It costs the Department of Revenue \$2.25 to process a typical sales tax return. Based on an estimated 16,700 returns filed by amusement related businesses in a given year, the costs to process are $16,700 \times \$2.25 = \$37,575$. The Department of Revenue's costs to print and mail returns to amusement related businesses are \$.405 per return. The calculation for these costs are $16,700 \times \$.405 = \$6,763.50$.

IV. ASSUMPTIONS

The costs assume no postal discounts for mailing are realized.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Revenue**
Division Title: Director of Revenue
Chapter Title: Chapter 108 – Sales/Use Tax-Taxable Services

Rule Number and Title:	12 CSR 10-108.100 Amusement, Entertainment and Recreation
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate annually in the aggregate as to the cost of compliance with the rule by the affected entities:
2,400	Amusement Related Businesses - \$30 in cost to prepare and file a sales tax return.	\$501,000
47	Coin Operated Amusement Services - \$2000 additional accounting	\$94,000

III. WORKSHEET

The Department of Revenue receives approximately 16,700 returns per year from approximately 2,400 amusement related businesses. The estimated cost to prepare and file a return per business is \$30 per filed return. The cost to all amusement related businesses to comply is 16,700 X \$30.

One business commenter, the owner of a company that rents coin operated amusement devices, stated that it may cost as much as \$2000 annually to account for which of the company's devices are subject to tax and which are not under current Supreme Court precedent. There are 47 businesses currently registered with the department using the Standard Industry Code applicable to such businesses. Total cost to these businesses would be \$94,000.

IV. ASSUMPTIONS

The rule does not change existing practice. The department cannot determine the actual costs of preparing and filing a return. The department assumes for purposes of this fiscal note that it costs \$30 annually. This cost would be incurred as a result of section 144.020.1(2), RSMo., regardless of the contents of this rule. The department assumes every business makes at least one sale per reporting period.

The department includes the estimate from the commenter without independently verifying the asserted costs. Assuming these costs are accurate, they would be incurred to distinguish between (1) machines on which the business collects and remits tax on the receipts from the machines, from (2) machines on which the business does not collect and remit tax on the receipts. The machines on which it collects and remits tax may be purchased exempt from tax pursuant to section 144.518, RSMo, while the others are subject to tax when purchased. To avoid this expense, the business could collect and remit tax on receipts from all its machines (assuming it would have no way of distinguishing without the additional expense) and buy all its machines exempt from tax.

The figure above is based on the assumption every business makes at least one sale per reporting period.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

PROPOSED AMENDMENT

12 CSR 10-110.200 Ingredient or Component Part Exemption, as Defined in Section 144.030, RSMo. The director proposes to amend the title, and sections (1) and (4).

PURPOSE: This rule is being amended due to TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007.

(1) In general, purchases of ingredients or component parts are exempt from tax if they blend with the final product and are intended to and do become a part of the finished product. In addition, *[certain]* materials that are consumed in the manufacture/ing, processing, compounding, mining, producing or fabricating of *[steel]* products intended to be sold ultimately for final use or consumption are exempt from tax.

(4) Examples.

(A) A toy manufacturer purchases wood, glue, **and** paint *[and sandpaper]* to use in the manufacturing of wooden rocking horses. The purchases of wood, glue and paint are exempt from tax. *[The purchase of sandpaper is taxable.]*

(B) A restaurant purchases apple wood to use in the smoking of foods. The restaurant burns the wood in a closed chamber, called a smoker, in which it places the food. The burning wood releases compounds, and small but measurable quantities of the compounds enter and permeate the food. Because a part of the wood, in the form of smoke particles, blends with and remains as part of the finished product, the apple wood may be purchased tax exempt as an ingredient or component part.

(C) An automobile manufacturer purchases *[soap and]* wax to *[wash and]* wax all automobiles as they leave the manufacturing plant. *[Some soap residue remains with the automobiles when they leave the plant. The soap does not qualify as an ingredient or component part because it is not intended to remain with the product.]* The wax *[does qualify]* **qualifies** as a component part because it is intended to remain with the product.

(E) A steel fabricator purchases welding rods *[and gases]* for use in fabricating a product out of steel plates. The welding rods are exempt because *[it]* **they** become/s) a component part of new personal property. *[Even though the gases are consumed in the fabrication process, the gases are not exempt because the new personal property does not qualify as a steel product.]*

[(F) A foundry creates a steel product by casting molten steel. After casting, a cleaning solution is poured over the product to remove impurities from the surface. The cleaning solution is not exempt because it does not blend, react or interact with a component part or ingredient of the steel product.]

AUTHORITY: section 144.270, RSMo [1994] 2000. Original rule filed Aug. 30, 2000, effective March 30, 2001. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Amended: Filed Aug. 14, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the

Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

PROPOSED RULE

12 CSR 10-110.201 Materials and Other Goods Used or Consumed in Manufacturing, as Defined in Section 144.054, RSMo

PURPOSE: Section 144.054.2, RSMo exempts from taxation certain materials, goods, machinery and parts. This rule explains the requirements for this exemption.

(1) In general, purchases of gas (natural, artificial, or propane) water, coal, and energy sources, chemicals, machinery, equipment and materials that are used or consumed in the manufacturing, processing, compounding, mining or producing a product are exempt from state sales and use tax and local use tax, but not from local sales tax. Local sales tax applies to these transactions.

(2) Basic Application of Exemption.

(A) Gas (natural, artificial, or propane) water, coal, and energy sources, chemicals, machinery, equipment and materials that are used or consumed in manufacturing, processing, compounding, mining or producing a product are exempt from state sales and use tax and local use tax, but not local sales tax. It is not necessary for the item purchased to be used directly in manufacturing in order to qualify for the exemption.

(3) Examples.

(A) A toy manufacturer purchases sandpaper to use in the manufacturing of wooden rocking horses. The purchase of sandpaper is exempt from state sales and use tax and local use tax, but not local sales tax because it is a material that is consumed in producing a product.

(B) An automobile manufacturer purchases soap to wash all automobiles as they leave the manufacturing plant. The soap qualifies as a material used or consumed in the manufacturing process and is exempt from state sales and use tax and local use tax, but not local sales tax.

(C) A steel fabricator purchases gases for use in fabricating a product out of steel plates. The gases that are consumed in the fabrication process are exempt from state sales and use tax and local use tax, but not local sales tax, because they are consumed in producing a product.

(D) A foundry creates a steel product by casting molten steel. After casting, a cleaning solution is poured over the product to remove impurities from the surface. The solution is used or consumed in the producing of a product and is exempt from state sales and use tax and local use tax, but not local sales tax.

AUTHORITY: section 144.270, RSMo 2000. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Original rule filed Aug. 14, 2007.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

PROPOSED RULE

12 CSR 10-110.210 Television and Radio Broadcasters

PURPOSE: This rule explains the television and radio broadcasters sales tax exemption.

(1) In general, radio and television broadcasters are exempt from sales and use tax, both state and local, on purchases of utilities, machinery, and equipment used or consumed directly in the broadcasting of their programs.

(2) Definition of Terms.

(A) Broadcaster—An entity who transmits (a radio or television signal) over the airwaves for public or general use. A cable or satellite provider is not a broadcaster.

(3) Basic Application.

(A) A Missouri radio or television station purchases utilities, machinery and equipment for use directly in the broadcasting of their programming. The purchase of the utilities, machinery and equipment are not subject to state or local tax.

AUTHORITY: section 144.270, RSMo 2000 and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Original rule filed Aug. 14, 2007.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

PROPOSED AMENDMENT

12 CSR 10-110.300 Common Carriers. The director proposes to amend sections (1) and (4) and reletter existing subsections accordingly.

PURPOSE: This rule is being amended as a result of statutory changes to section 144.030.2(11).

(1) In general, materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property are not subject to tax. Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers are not subject to tax. Railroad rolling stock used in transporting persons or property in interstate commerce is not subject to tax. Motor vehicles licensed for a gross weight of twenty-four thousand (24,000) pounds or trailers used by common carriers *[solely]* in the transportation of persons or property *[in interstate commerce]* are not subject to tax.

(4) Examples.

(C) A common carrier purchases a cab and chassis. The cab and chassis **are licensed for a gross weight of 24,000 pounds and will be used only in intrastate commerce as a common carrier.** The purchase of the cab and chassis is **not** taxable. The common carrier subsequently purchases a dump bed to add to the cab and chassis. The dump bed is exempt from tax because it is materials or equipment used in the manufacture of a motor vehicle to be used by a common carrier.

[(E) A common carrier purchases a cab and chassis. The cab and chassis will be used only in intrastate commerce as a common carrier. The purchase of the cab and chassis is taxable because the cab and chassis are not used in interstate commerce. The common carrier subsequently purchases a dump bed to add to the cab and chassis. The dump bed is exempt from tax because it is materials or equipment used in the manufacture of a motor vehicle to be used by a common carrier.]

[(F)] (E) A common carrier purchases a trailer. The common carrier subsequently purchases a refrigeration unit to add to the trailer. The refrigeration unit is exempt from tax because it is materials or equipment used in the manufacture of a motor vehicle to be used by a common carrier.

[(G)] (F) The sale of a switch engine to be used to move railroad cars around a switching yard, if part of an interstate rail system, is not subject to tax.

[(H)] (G) An airline purchases equipment to test engine parts that have been removed from the plane and brought to their repair facility. The equipment purchased would be exempt from tax.

[(I)] (H) The owner of a Missouri furniture store is registered as a common carrier, but does not hold itself out to the general public as a common carrier. It uses its truck only to deliver furniture sold to customers residing in and outside Missouri. The owner installs new brakes on the truck. Even though the owner is registered as a common carrier, the brakes are taxable because the furniture store is operating as a private carrier.

[(J)] (I) A charter company [only provides bus transportation by] contracts with private groups for [private groups] exclusive use of its bus and driver for [tours of] transportation between Missouri and destinations in the Southeastern United States. The company provides no other transportation services. The charter company purchases new tires. The tires are taxable because the business is a contract carrier.

[(K)] (J) A railroad purchases a flanged wheel mechanized tie replacement machine for repairing broken rail segments on an interstate system. The purchase of the machine is exempt.

AUTHORITY: *section 144.270, RSMo 2000, and CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Original rule filed Jan. 24, 2001, effective Aug. 30, 2001. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Amended: Filed Aug. 14, 2007.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

PROPOSED AMENDMENT

12 CSR 10-110.600 Electrical Energy as Defined in Section 144.030, RSMo. The director proposes to amend the title, the purpose, and sections (1) through (4).

PURPOSE: *This rule is being amended due to TAFP HCS SCS SB 196, enacted by the 93rd General Assembly, 2005, and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007.*

PURPOSE: *Section 144.030.2(12), RSMo exempts from tax certain purchases of electrical energy used in primary or secondary manufacturing, processing, compounding, mining or producing a product, [or used in material recovery processing] or processing of raw materials that contain recovered materials. Section 144.030.2(31), RSMo exempts from tax electricity used in connection with the manufacturing of cellular glass products or in any material recovery processing plant. Section 144.030.2(33), RSMo exempts from tax utilities used or consumed directly or exclusively in the research and development of agricultural biotechnology products and plant genomics products and prescription pharmaceuticals consumed by humans or animals. This rule explains when [this] these exemptions [applies] apply and how a taxpayer may claim the exemptions at the time of purchase of the electrical energy.*

(1) In general, electrical energy used in facilities owned or leased by the taxpayer in the actual primary manufacturing, processing, compounding, mining or producing of a product is exempt from tax if the cost of the electrical energy used exceeds ten percent (10%) of the total cost of the primary manufacturing, processing, compounding, mining or producing, exclusive of the cost of electrical energy so used. Electrical energy used in facilities owned or leased by the taxpayer in the actual secondary manufacturing, processing, compounding, mining or producing of a product is exempt from tax if the cost of the electrical energy used exceeds ten percent (10%) of the total cost of the secondary manufacturing, processing, compounding, mining or producing, exclusive of the cost of electrical energy so used. Electrical energy used in a material recovery processing plant owned or leased by the taxpayer **or in manufacturing cellular glass products** is exempt from tax **[if the total cost of electric energy used in such processing exceeds ten percent (10%) of the total cost of the processing, exclusive of the cost of electri-**

cal energy so used]. Utilities used or consumed directly or exclusively in the research and development of agricultural biotechnology products and plant genomics products and prescription pharmaceuticals consumed by humans or animals are exempt from tax. Electrical energy used in facilities owned or leased by the taxpayer in *[manufacturing,]* processing *[, compounding, mining or producing a product or in a material recovery processing plant is exempt if the raw materials used in such processing]* raw materials that contain at least twenty-five percent (25%) recovered materials **is exempt from tax.**

(2) Definition of Terms.

(B) Fabrication—See 12 CSR 10-111.010[(2)(C)].

(C) Manufacturing—See 12 CSR 10-111.010[(2)(E)].

(D) Material recovery processing plant—*[A facility that converts recovered materials into a new product or into a different form that is used in producing a new product. It includes facilities or equipment used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but does not include motor vehicles used on highways.] See 12 CSR 10-111.060.*

(E) Mining—See 12 CSR 10-111.010[(2)(F)].

(F) Primary processing—Manufacturing, processing, compounding, mining or producing that results in the first marketable product.

[(G) Processing—Any mode of treatment, act or series of acts performed upon materials to transform and reduce them into an article with a use, identity and market value different from the use, identity and market value of the materials, and includes treatment necessary to maintain or preserve such processing by the producer at the production facility.]

[(H)] (G) Producing—See 12 CSR 10-111.010[(2)(H)].

[(I)] (H) Product—An item with a new identity, use and market value produced by the taxpayer's efforts which is intended at the time of the production activity to be sold ultimately for final use or consumption. A product may be tangible personal property or a service, if the property or service is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.

[(J)] (I) Production activity—Manufacturing, processing, compounding, mining, producing or fabricating.

(J) Raw material—any ingredient or component that becomes part of, or is made into a finished product.

(K) Recovered materials—*[Materials that have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent separation or processing.] See 12 CSR 10-111.060. In order for an item to be a recovered material, a facility must recover it from the solid waste stream. An item used in processing for its original intended purpose is not a recovered material.*

(L) Secondary processing—Further processing or fabricating of a marketable product that results in another marketable product.

(M) Solid waste—See 12 CSR 10-111.060.

[(M)] (N) Total cost—All allocated costs incurred in producing the product, including all elements of production cost in accordance with generally accepted accounting principles.

(3) Basic Application of Exemption.

(A) A taxpayer may claim this exemption at the time of purchase of the electrical energy by presenting the seller with a direct pay certificate issued by the department. In order to obtain a direct pay certificate, the taxpayer must submit *[annually]* an electrical energy direct pay authorization application. The application must demonstrate, by the use of the previous calendar year's data, a probable entitlement to the electrical energy exemption for the coming year. The taxpayer must file and remit the appropriate tax on energy purchases that do not qualify for this exemption on its sales tax return.

(4) Examples.

(A) A manufacturing firm produces extruded sheet plastic. The

automated production line is a closed system connected together by use of vacuum feed-pipe. When an order is received, the computer controlled production line first blends the necessary raw materials. After blending, the mix is conveyed through vacuum pipe to be dried, and then to the extruder, where the mix is heated to meltdown and rolled into sheets by the extruder rollers. These sheets are the end product. The cost of raw materials is 95% of the total cost of producing the end product. The cost of electrical energy is 99% of the cost of drying and extruding the blended raw materials. The plastic sheet is the only marketable product produced by this continuous, indivisible operation. *[None of the electrical energy is exempt because it does not exceed 10% of the total cost of producing the end product.]* Because the cost of electricity does not exceed 10% of the total cost of producing the product, the purchase of the electricity does not qualify for the exemption.

(B) A manufacturer produces glass bottles to be used as packaging. The manufacturer combines raw materials, including recycled glass **obtained from recyclers**, which is then melted under extreme heat. The molten glass is then formed into bottles, which are the manufacturer's only product. The electrical energy costs exceed 10% of the total cost of production; therefore the manufacturer qualifies for the exemption. If the manufacturer's raw materials include at least 25% *[recycled]* **recovered** material, the manufacturer may avoid the time and cost involved in the calculations necessary to support the exemption under the 10% threshold and claim the exemption based on its use of *[recycled]* **recovered** materials.

(E) A paper manufacturer uses recycled paper *[to produce]* in its **primary processing of producing** rolls of newsprint. The newsprint includes *[more than 25%]* **50%** recovered paper, *[and qualifies]* **qualifying the manufacturer** for the electrical energy exemption from state and local taxes. The newsprint is subsequently cut into sheets **during secondary processing** for sale to a book printer. The cost of electricity *[to cut the sheets]* **used during the secondary processing** does not exceed 10% of the total cost of producing the cut sheets. **However, [T]he** electrical energy used to produce the final product is **also** exempt because the *[manufacturer]* **secondary process** uses at least 25% recovered materials.

AUTHORITY: section 144.270, RSMo 2000. Original rule filed July 25, 2001, effective Feb. 28, 2002. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Amended: Filed Aug. 14, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions

PROPOSED RULE

12 CSR 10-110.601 Electrical, Other Energy and Water as Defined in Section 144.054, RSMo

PURPOSE: Section 144.054.2, RSMo, exempts from state tax and local use tax, but not local sales tax, electricity, gas (natural, arti-

cial, or propane) water, coal, and energy sources used or consumed in manufacturing, processing, compounding, mining or producing any product or used in research and development related to manufacturing, processing, compounding, mining or producing any product or in the processing of recovered materials. This rule explains when this exemption applies and how a taxpayer may claim the exemption at the time of purchase of the utilities, energy and water.

(1) In general, electricity, gas (natural, artificial, or propane) water, coal, and energy sources used or consumed in manufacturing, processing, compounding, mining or producing any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining or producing any product is exempt from state sales and use tax and local use tax, but not local sales tax.

(2) Definition of Terms.

(A) Compounding—Producing a product by combining two (2) or more ingredients or parts.

(B) Energy source—Those resources, such as petroleum, coal, gas, wind, steam, nuclear fuel and sunlight, from which energy is produced.

(C) Fabrication—See 12 CSR 10-111.010.

(D) Manufacturing—See 12 CSR 10-111.010.

(E) Material recovery processing plant—See 12 CSR 10-111.060.

(F) Mining—See 12 CSR 10-111.010.

(G) Producing—See 12 CSR 10-111.010.

(H) Recovered materials—See 12 CSR 10-111.060.

(3) Basic Application of Exemption.

(A) A taxpayer may claim the exemption for state sales and use tax and local use tax, but not local sales tax at the time of purchase. A taxpayer may not claim an exemption from local tax and then remit the tax directly to the department. It is the seller's responsibility to collect and remit the proper amount of local tax to the department.

(B) For purchases which are reported to the department under direct pay and Electrical Energy Direct Pay (EEDP) are exempt from the application of subsection (3)(A) of this rule.

(C) The electricity, other energy, and water source that is subject to this exemption is not required to be directly used in the process for which the exemption is being claimed. There is also no requirement that the electricity comprise ten percent (10%) of the cost of a primary or secondary production process in order to qualify for this exemption. There is also no requirement that twenty-five percent (25%) of the raw materials are recycled in order for the purchaser to claim this exemption.

(4) Method of Collection and Apportionment.

(A) Energy and water vendors are responsible for remitting tax to the department. Purchasers are responsible to inform energy vendors on the MO-149 (Sales/Use Tax Exemption Certificate) of the percentage of energy used for activities exempt under section 144.054, RSMo. The purchaser may use any reasonable method to calculate this percentage, such as square footage or reference to a use analysis. The exemption will be applied as follows:

Purchaser's Calculated Exempt Percentage	Percentage Exempt
76-100	100
51-75	75
26-50	50
1-25	25
0	0

(B) Beginning on August 28, 2007 and ending on October 28, 2007 any vendor who receives an exemption certificate exempting sales of electricity, gas (natural, artificial, or propane) water, coal, and energy sources used or consumed in manufacturing, processing, compounding, mining or producing any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing,

compounding, mining or producing any product after the bill was issued may take the correction as an adjustment on their sales tax return provided the net result is not a negative figure. In the event an exemption certificate is received after October 28, 2007 and an exemption was due and not properly applied by the vendor, the vendor may submit a refund request to the department.

(5) Exempt Examples.

(A) A manufacturer purchases propane to operate forklifts that move raw materials between production lines. The fuel is exempt from state sales and use tax and local use tax, but not local sales tax.

(B) A manufacturer uses electricity to run its equipment, maintain a moderate temperature in its production facility and to light the plant. The purchase of all of its electricity is exempt from state sales and use tax and local use tax, but not local sales tax because it is used or consumed in producing a product.

(C) A manufacturer uses coal to fuel boilers to generate steam used to manufacture a product. The purchase of the coal is exempt from state sales and use tax and local use tax, but not local sales tax because it is used or consumed in producing a product.

(D) A manufacturer purchases compressed gas used for welding a product. The purchase of the compressed gas is exempt from state sales and use tax and local use tax, but not local sales tax because it is used or consumed in producing a product.

(E) A manufacturer uses water to cool a product during the manufacturing process. The water is exempt from state sales and use tax and local use tax, but not local sales tax.

(F) A manufacturer preserves its final product in a warehouse located at the production facility awaiting shipment. The purchase of energy to maintain the desired temperature and provide lighting is exempt from state sales and use tax and local use tax, but not local sales tax.

(G) A construction company, who has been deemed a manufacturer, purchases fuel to be used in a concrete ready-mix truck. The fuel is subject to motor fuel tax, however if a refund claim is made, the refund will be exempt from state sales tax, but not local sales tax, because it is used in producing a product.

(6) Taxable Examples.

(A) A restaurant preparing food for immediate consumption is not exempt as a manufacturer. Therefore, all state and local taxes apply.

AUTHORITY: section 144.270, RSMo 2000 and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Original rule filed Aug. 14, 2007.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 111—Sales/Use Tax—Machinery and
Equipment Exemptions**

PROPOSED AMENDMENT

12 CSR 10-111.010 Manufacturing Machinery and Equipment Exemptions, as Defined in Section 144.030, RSMo. The director proposes to amend the title and add subsection (2)(J).

PURPOSE: This rule is being amended due to TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007.

(2) Definition of Terms.

(J) Used directly in manufacturing, mining, fabricating or producing a product—substantially used in, essential to, and comprising an integral part of the manufacturing, mining, fabricating or producing process. Under the integrated plant theory, adopted by Missouri, it is not sufficient to meet only one of these requirements. For example, items used in material storage or handling before the manufacturing process begins may be essential to the process, but generally are not an integral part of the manufacturing process and are therefore not used directly in manufacturing. Similarly, items used for storing the finished product are generally not an integral part of the manufacturing process. The factors that determine whether an article is directly used are: whether the item is essential or necessary to the process; how close, causally, is the item to the production process; and whether the item operates harmoniously with other machinery to make an integrated and synchronized system. The direct use requirement is not limited to those items of machinery, equipment and parts that produce a direct physical change in the composition of the raw materials or work in process. As long as there is a continuous progression from raw materials to finished product and there are no extended interruptions in the manufacturing process, the integrated and synchronized system begins when raw materials enter the production process and ends when the product is finished.

AUTHORITY: section 144.270, RSMo [1994] 2000. Original rule filed Aug. 31, 1999, effective March 30, 2000. Amended: Filed Aug. 14, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 111—Sales/Use Tax—Machinery and
Equipment Exemptions**

PROPOSED RULE

12 CSR 10-111.011 Machinery, Equipment, Materials, and Chemicals Used or Consumed in Manufacturing, as Defined in Section 144.054, RSMo

PURPOSE: Section 144.054.2, RSMo exempts machinery, equipment, materials, and chemicals used or consumed in manufacturing, processing, compounding, mining or producing any product, or used in research and development related to manufacturing, processing, compounding, mining or producing any product from state sales and

use tax and local use tax, but not local sales tax. This rule explains what elements must be met in order to qualify for these exemptions.

(1) In general, the purchase of machinery, equipment and materials used or consumed in manufacturing, processing, compounding, mining or producing any product or is used in research and development related to manufacturing, processing, compounding, mining or producing any product is exempt from state sales and use tax and local use tax, but not local sales tax.

(2) Definition of Terms.

- (A) Equipment—See 12 CSR 10-111.010.
- (B) Fabrication—See 12 CSR 10-111.010.
- (C) Machinery—See 12 CSR 10-111.010.
- (D) Manufacturing—See 12 CSR 10-111.010.
- (E) Mining—See 12 CSR 10-111.010.
- (F) Producing—See 12 CSR 10-111.010.

(3) Basic Application of Exemption.

(A) Pursuant to section 144.054.2, RSMo purchases of machinery, equipment, materials and chemicals used or consumed in manufacturing, processing, compounding, mining or producing any product or used in research and development related to manufacturing, processing, compounding, mining or producing any product is exempt from state sales and use tax and local use tax, but not local sales tax.

(B) The exemptions do not require that the owner of the facility be the purchaser to qualify for the exemption or that the purchaser be the one who uses the machinery, equipment and materials in an exempt fashion. All that is required is that the machinery, equipment and materials are used in a tax-exempt manner.

(4) Exempt Examples.

(A) A manufacturing company purchases various pieces of testing equipment to perform research and development on potential future products. The testing equipment for research and development is exempt from state sales and use tax and local use tax, but not local sales tax, because it is used or consumed in research and development related to manufacturing a product.

(B) A commercial photo developer uses “crop cards” to hold individual negatives in the film developing process; they are discarded after a single use. The developer also uses tape to connect negative strips so that the negatives may be fed through its automatic film developing machinery and equipment. The crop cards and tape are exempt from state sales and use tax and local use tax, but not local sales tax, as materials used and consumed in producing a product.

(C) A manufacturer purchases materials to develop models for research and development for use in designing a new product. The manufacturer may purchase the materials exempt from state sales and use tax and local use tax, but not local sales tax, because they are used in research and development related to manufacturing.

(D) Workers in a manufacturing plant are required to wear safety equipment while producing a product. The safety equipment is exempt from state sales and use tax and local use tax, but not local sales tax, because it is used to produce a product.

(5) Nonexempt Examples.

(A) A taxpayer operates a concrete manufacturing plant. The taxpayer purchases dump trucks to haul, to customers, concrete slabs that had been manufactured in its plant. The dump trucks would not qualify for exemption because they are not used in the manufacturing process, but rather in the shipping process.

(B) A taxpayer creates and sells a nontaxable information service. To develop its service, the taxpayer purchases computer hardware and software. The computer hardware and software do not qualify for the state tax exemption pursuant to section 144.054.2, RSMo, because they are machinery and equipment used in producing a service and not a product.

AUTHORITY: section 144.270, RSMo 2000 and CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Emergency rule filed

Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Original rule filed Aug. 14, 2007.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 111—Sales/Use Tax—Machinery And
Equipment Exemptions**

PROPOSED RULE

12 CSR 10-111.061 Exempt Items Used or Consumed in Material Recovery Processing as Defined in Section 144.054, RSMo

PURPOSE: Section 144.054.2, RSMo exempts machinery, equipment, materials, coal, energy sources and chemicals used or consumed in the processing of recovered materials from state sales and use tax and local use tax, but not local sales tax. This rule explains the elements that must be met in order to qualify for the exemption.

(1) In general, the purchase of machinery, equipment, materials and chemicals used or consumed in the processing of recovered materials are exempt from state sales and use tax and local use tax, but not local sales tax.

(2) Basic Application of Exemption.

(A) Purchases of machinery, equipment and materials used or consumed in the processing of recovered materials are exempt from state sales and use tax and local use tax, but not local sales tax. Coal, energy sources and chemicals used or consumed in the processing of recovered materials are also exempt from state sales and use tax and local use tax, but not local sales tax.

(B) Electrical energy or gas (natural, artificial or propane) water, or other energy sources consumed in processing recovered materials is exempt from state and local tax (144.030.2(31), RSMo).

(3) Examples.

(A) A metal recycler uses diesel fuel to operate its hydraulic cutter. The diesel fuel may be purchased exempt from state sales and use tax and local use tax, but not local sales tax, because it is used or consumed in the processing of recovered materials.

(B) A paper recycler mixes water with paper in its pulping equipment in order to separate the paper fibers from each other. The water may be purchased exempt from state sales and use tax and local use tax, but not local sales tax.

(C) An aluminum can recycler uses natural gas in its furnace to melt aluminum scraps into molten aluminum. The purchase of the natural gas is exempt from state sales and use tax and local use tax, but not local sales tax because it is consumed in the processing of recovered materials.

AUTHORITY: section 144.270, RSMo 2000 and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Original rule filed Aug. 14, 2007.

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 111—Sales/Use Tax—Machinery and
Equipment Exemptions**

PROPOSED AMENDMENT

12 CSR 10-111.100 Commercial Printers, as Defined in Section 144.030, RSMo. The director proposes to amend the title and sections (1), (3), and (4).

PURPOSE: *This rule is being amended due to TAFP HCS SCS SB 196, enacted by the 93rd General Assembly, 2005 and TAFP CCS HCS SB 30, enacted by the 94th General Assembly, 2007.*

(1) In general, sales of printed product by commercial printers are subject to tax. Purchases of materials and supplies, such as paper and ink, which become a component part or ingredient of the printed product are exempt. Other materials used by the printer may be exempt if title or ownership to the materials transfers to the customer. Purchases of machinery, equipment and parts for replacement or for a new or expanded plant are exempt if directly used in the manufacturing process. This includes printing presses and plates. *[Chemicals to develop the film and plates are not exempt unless they become an ingredient or component part of materials resold to the customer.]*

(3) Basic Application of Tax.

(B) Ingredients and component parts—Purchases of material and supplies such as paper and ink may be purchased tax exempt by printers as ingredients or component parts under section 144.030.2(2), RSMo.

1. Chemicals that blend with and become part of the ink mixture are exempt, including:

A. The fountain solution that blends with the ink at the press to keep the non-image area clean of ink while printing;

B. Chemicals used on the rollers to keep the ink from drying out;

C. Isopropyl alcohol to keep the ink wet on the rollers; and

D. Ink anti-stain used to keep the ink from bleeding onto other printed material.

[2. Purchases of material and supplies used in the printing process that do not blend with the ink are taxable, including:

A. Anti-static products used to reduce static on the printed product;

B. Chemicals used to clean the presses; and

C. Color wax used for layout purposes.]

(C) [Other materials transferred to customers—]Purchases of materials, including film, used by the printer in its manufacturing process do not qualify for the sale for resale exclusion unless title or ownership to such materials is transferred to the customer. Whether title passes is based on the intent of the parties, as evidenced by all relevant facts, including written agreements, course of dealing or

usage of trade and availability of the materials for future use by the customer.

(D) Chemicals—Chemicals to develop the film and plates are [not] exempt [unless] if they become an ingredient or component part of materials resold to the customer. *[Chemicals that generally do not become an ingredient or component part include chemicals used on plates to desensitize the plates and to prevent them from oxidizing, developers, replenishers, finishers, fixers, store gum and plating solution.]*

(E) Supplies and Parts.

1. Perforation devices consumed in a single production cycle are not exempt as machinery and equipment or parts.

2. Perforation devices benefiting more than one production cycle are exempt as parts of machinery and equipment.

3. Blankets and necessary attachments are exempt as parts of machinery and equipment.

4. Proof paper and phototypesetting paper are not exempt as machinery and equipment or parts.

5. Mineral spirits used as a solvent to clean brushes, overspray and equipment are [taxable] **not exempt as ingredients or component parts** if used as a cleaning solvent separate from the ink. If mixed with the ink, then the mineral spirits are exempt as ingredients or component parts.

(4) Examples.

(B) A commercial printer purchases plates[, and film], phototypesetting paper, developer chemical for plates and film (which do not become a part of the plates or film), and press cleaning solvent that is not mixed with ink]. The plate is exempt machinery and equipment. The printer's contract with the customer states the negatives become the property of the customer. The film is exempt as a component part of the negative. *[The phototypesetting paper does not qualify for exemption as machinery or equipment, ingredient or component part or sale for resale. The developer chemicals and cleaning solvent do not qualify for exemption as ingredients or component parts or sales for resale.]*

AUTHORITY: section 144.270, RSMo 2000. Original rule filed Oct. 11, 2001, effective April 30, 2002. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Amended: Filed Aug. 14, 2007.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 111—Sales/Use Tax—Machinery and
Equipment Exemptions**

PROPOSED RULE

12 CSR 10-111.101 Items Used or Consumed by Commercial Printers, as Defined in Section 144.054, RSMo

PURPOSE: *Section 144.054.2, RSMo exempts from state tax, but not local tax, machinery, equipment, materials and chemicals used or consumed in manufacturing, processing, compounding, mining or producing any product or used in research and development related to manufacturing. This rule explains the taxation rules for commercial printers and what elements must be met to qualify for these exemptions.*

(1) In general, purchases of machinery, equipment, materials and chemicals used or consumed by a printer in the production process are exempt from state tax and local use tax, but not local sales tax.

(2) Definition of Terms. See definition of terms in 12 CSR 10-111.010 Machinery and Equipment Exemptions.

(3) Basic Application of Tax.

(A) Purchases of material and supplies used in the printing process that do not blend with the ink are exempt from state tax and local use tax, but not local sales tax, including, anti-static products used to reduce static on the printed product; chemicals used to clean the presses and color wax used for layout purposes.

(B) Chemicals to develop the film and plates are exempt from state tax and local use tax, but not local sales tax. Chemicals exempt from state, but not local tax include chemicals used on plates to desensitize the plates and to prevent them from oxidizing, developers, replenishers, finishers, fixers, store gum and plating solution.

(C) Perforation devices consumed in a single production cycle are exempt from state tax, but not local tax as machinery and equipment used or consumed in the printing process. Proof paper and phototypesetting paper are also exempt from state tax, but not local tax as machinery and equipment used or consumed in the printing process. Mineral spirits used as a solvent to clean brushes, overspray and equipment are exempt from state tax and local use tax, but not local sales tax even when used as a cleaning solvent separate from the ink.

(4) Example.

(A) A commercial printer purchases phototypesetting paper, developer chemical for plates, film (which does not become the property of the customer) and press cleaning solvent that is not mixed with ink. All these items are exempt from state tax and local use tax, but not local sales tax as materials used or consumed in producing a product.

AUTHORITY: *section 144.270, RSMo 2000 and CCS HCS SB 30, enacted by the 94th General Assembly, 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Original rule filed Aug. 14, 2007.*

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 112—Sales/Use Tax—Contractors**

PROPOSED AMENDMENT

12 CSR 10-112.010 Contractors. The director proposes to amend subsection (3)(D).

PURPOSE: *This rule is being amended due to TAFP CCS HCS SS SCS SB 22, enacted by the 94th General Assembly, and to clarify the exemption contained in section 144.062, RSMo, as it relates to fuel and to add exempt entities.*

(3) Basic Application of Tax.

(D) Flow Through Project Exemptions—A contractor, including subcontractors working for the contractor, constructing, repairing or remodeling facilities for a specific exempt entity, may purchase tax exempt tangible personal property and materials incorporated into or consumed in the project if the exempt entity furnishes to the contractor a project exemption certificate. Tangible personal property and materials that can only be used for one construction, repair or remodeling job which are actually used up in performing the contract are consumed. Examples include sandpaper[, *fuel to run equipment*] and drill bits that are actually used up in the performance of the exempt contract. Items that are not consumed are hand tools, drinking water coolers, hardhats and bulldozers. For purposes of this flow through exemption an exempt entity is limited to:

1. Political subdivisions exempt under Article III section 39(10) of the *Missouri Constitution*;
2. Federal government and its instrumentalities;
3. Religious organizations;
4. Charitable organizations;
5. Elementary and secondary schools, public and private; *[or]*
6. Higher education institutions, public and private*[/]*;
7. **Missouri Department of Transportation; or**
8. **Jackson County Sports Complex Authority.**

AUTHORITY: *section 144.270, RSMo [1994] 2000. Original rule filed June 13, 2000, effective Dec. 30, 2000. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Amended: Filed Aug. 14, 2007.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 400—Individual Income Tax**

PROPOSED AMENDMENT

12 CSR 10-400.250 Computation of an Individual's Missouri Adjusted Gross Income on a Combined Income Tax Return. The director proposes to amend section (1).

PURPOSE: *This rule is being amended to include additional sectional references due to the recent passage of TAFP SS HCS HB 453, enacted by the 94th General Assembly, 2007.*

(1) In general, if a married couple files a combined Missouri income tax return, the combined Missouri adjusted gross income equals the sum of each spouse's separate Missouri adjusted gross income. The spouse's separate Missouri adjusted gross income equals the federal adjusted gross income reportable by the spouse had the spouse filed a separate federal return, as adjusted by the modifications under sections 143.121 and 135.647, RSMo.

AUTHORITY: section 143.961, RSMo 2000, and TAFP SS HCS HB 453, enacted by the 94th General Assembly, 2007. Original rule filed Dec. 1, 2004, effective July 30, 2005. Amended: Filed Aug. 14, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 20—Highway Reciprocity Commission
Chapter 1—Organization and Description**

PROPOSED RESCISSION

12 CSR 20-1.010 General Organization. This rule provided the organization and description for the Highway Reciprocity Commission.

PURPOSE: This rule is being rescinded because the Highway Reciprocity Commission was abolished with the enactment of section 226.008, RSMo, when all functions, duties, and powers relating to commercial motor vehicle intrastate and interstate transportation were transferred to the Missouri Highways and Transportation Commission.

AUTHORITY: sections 32.050, and 536.023, RSMo 1986. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed Oct. 15, 1986, effective Jan. 30, 1987. Amended: Filed Nov. 1, 1991, effective March 9, 1992. Rescinded: Filed Aug. 9, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title [12]7—DEPARTMENT OF [REVENUE]
TRANSPORTATION
Division [20—Highway Reciprocity] 10—Missouri
Highways and Transportation Commission
Chapter [2—Reciprocity in Registration with Other
States—Registration of Trailers] 25—Motor
Carrier Operations**

PROPOSED AMENDMENT

[12 CSR 20-2.010] 7 CSR 10-25.050 Reciprocity with Other States—Registration of Trailers. The Missouri Highways and Transportation Commission is amending the purpose and sections (1) through (8) of this rule.

PURPOSE: This proposed amendment clarifies administrative rules for the proper registration of trailers in interstate and intrastate commerce.

PURPOSE: The Missouri Highways [Reciprocity] and Transportation Commission has the authority to negotiate and to enter reciprocal agreements with other [states] jurisdictions for registration of commercial motor vehicles for interstate commercial use of the highways. This rule interprets the statutes with respect to reciprocity and registration.

[(1) Unless otherwise provided by duly executed agreements entered into under sections 301.271–301.279, RSMo, a nonresident owner, owning any motor vehicle which has been duly registered for the current year in the state, District of Columbia, territory or possession of the United States, foreign country or other place of which the owner is a resident and which at all times when operated in this state has displayed upon it the number plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this state without registering the vehicle or paying any registration fee to this state; but the provisions of this section shall be operative to allow the owner to operate or permit the operation of the vehicle owned by a nonresident of this state only the extent that under the laws of the state, District of Columbia, territory or possession of the United States, foreign country or other place of residence of the nonresident owner, substantially equivalent exemptions are granted to residents of Missouri for the operation of vehicles duly registered in Missouri.]

[(2)] (1) Trailers. Unless otherwise provided by duly executed reciprocity agreements [entered into under sections 301.271–301.279, RSMo] authorized by law, trailers registered in any member jurisdiction may be operated in combination with any motor vehicle properly registered [in accordance with sections 301.271–301.279, RSMo] pursuant to such reciprocity agreement.

[(3) In those instances where Missouri does not have a formal written agreement with another state, the reciprocal privileges granted by the state of Missouri will be those provided for by section 301.271, RSMo. The provisions of section 301.271, RSMo apply only to vehicles registered with a state with which Missouri does not have another type of agreement. No reciprocal privileges shall be granted under the provisions of section 301.271, RSMo to a resident of, or for the operation of a vehicle registered in, a state with which Missouri has a written agreement.]

(2) The Highways and Transportation Commission delegates to the Department of Transportation's Motor Carrier Services Division (MCS) the authority to issue temporary vehicle registration in lieu of permanent registrations for interstate trailers. The original or a copy of the cab card authorized pursuant to 7 CSR 10-25.030(8) for the trailer must be carried in or upon the tractor pulling the trailer at all times. To register any number of trailers with the commission, a person or corporation must have at least one (1) tractor registered with the commission.

[[4]](3) Reciprocal privileges granted under section 301.271, RSMo can only be granted to an owner who is not a resident of Missouri, who has properly registered the vehicle desired to be operated within the [state] jurisdiction where the owner is a resident.

[[5]](4) Vehicles operating solely in interstate commerce on the highways of Missouri [without being] are not required to pay Missouri motor vehicle registration fees [on the basis of resident-type reciprocity granted under the statutes are limited to the operations and movements as are exclusively interstate in character]. Vehicles operating or moving in solely intrastate commerce between two (2) points in Missouri or carrying any merchandise or passengers between two (2) points in Missouri will be required to pay the full Missouri motor vehicle registration fees required for the operation.

[[6] Resident. The residence of a corporation shall be the state in which the corporation is incorporated. (Transport Rentals, Inc. v. Carpenter (Mo.) 325 SW2d 745.) The residence of an individual owner is the bona fide place of abode where s/he exercises the privileges of that state's citizenship such as residence-type hunting or fishing license, voting, education, unemployment insurance, workers' compensation, insurance, payment of state income and personal property tax.]

[[7] Duly executed agreements shall be the sole source of reciprocity when an agreement exists. If no agreement exists, resident-type reciprocity shall be the sole source of reciprocity.]

[[8] A carrier or individual from a resident type state may lease equipment bearing registration from another resident type state.]

(5) In the event of the loss, theft, mutilation, or destruction of any license plate the registrant may file with the commission a notice of such loss, theft, mutilation, or destruction together with any fee required by section 301.300, RSMo, to obtain a duplicate or replacement plate.

(6) Any contractor or sub-contractor of the commission that is subject to regulation under these administrative rules shall at all times while conducting business with the commission under such contract be in good standing with the laws of the state of Missouri and the administrative rules of the commission, or shall obtain full compliance with such laws or rules within ten (10) days of being notified of noncompliance by MCS.

AUTHORITY: sections 226.130 and 301.275, RSMo [1986] 2000 and 226.008, RSMo Supp. 2006. This rule previously filed as 12 CSR 20-2.010. Original rule filed July 22, 1965, effective Aug. 1, 1965. Amended: Filed Oct. 28, 1974, effective Nov. 7, 1974. Amended: Filed Oct. 15, 1986, effective Jan. 30, 1987. Moved to 7 CSR 10-25.050 and amended: Filed Aug. 9, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE Division 20—Highway Reciprocity Commission Chapter 4—Multistate Agreement

PROPOSED RESCISSION

12 CSR 20-4.010 Bilateral Basing Point—Multistate Agreement. This rule authorized the Highway Reciprocity Commission to negotiate and enter into reciprocal agreements with other states for interstate commercial use of the highways.

PURPOSE: This rule is being rescinded due to the agreements set forth with the Bilateral Basing Point—Multistate Agreement being replaced by the provisions in the International Registration Plan.

AUTHORITY: sections 142.621 and 301.275, RSMo 1986 and 142.617, RSMo Supp. 1990. Original rule filed July 22, 1965, effective Aug. 1, 1965. Amended: Filed Oct. 28, 1974, effective Nov. 7, 1974. Amended: Filed Oct. 15, 1986, effective Jan. 30, 1987. Amended: Filed Nov. 1, 1991, effective March 9, 1992. Rescinded: Filed Aug. 9, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title [12]7—DEPARTMENT OF [REVENUE] TRANSPORTATION Division [20] 10—Missouri Highways [Reciprocity] and Transportation Commission Chapter [5—Investigation] 25—Motor Carrier Operations

PROPOSED AMENDMENT

[12 CSR 20-5.010] 7 CSR 10-25.080 Investigation and Audits. The Missouri Highways and Transportation Commission is amending the purpose and section (1) of this rule.

PURPOSE: *This proposed amendment clarifies the transfer of the powers, duties, and functions to MHTC regarding audits required under reciprocity agreements.*

PURPOSE: *The Missouri Highways [Reciprocity] and Transportation Commission is authorized to require reports [from owners and operators of motor vehicles] and perform audits and investigations of registrants and licensees to assist the commission in the performance of its duties. [This rule explains the procedure normally used.]*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The [Highway Reciprocity C]commission may require reports from [owners and operators of motor vehicles] registrants/licensees as may be useful to assist the commission in performance of its duties. These reports shall furnish information as may be required by the **International Registration Plan (IRP)**, which is incorporated herein by reference and made a part of this rule as published by the International Registration Plan, Inc., 4301 Wilson Blvd., Ste. 400, Arlington, VA 22203, effective July 1, 2008; and/or the **International Fuel Tax Agreement (IFTA)**, which is incorporated herein by reference and made a part of this rule as published by the International Fuel Tax Association, Inc., 912 West Chandler Blvd., B-7, Chandler, AZ 85225, revised January 2007; and/or the commission and shall cover certain periods and be made at the times the commission [or secretary] may direct. **This rule does not incorporate any subsequent amendments or additions of the Plan or Agreement.** These reports shall be in the form prescribed by the commission and shall be [verified by the] signed under certification as to the accuracy of the information included in such report. The aforementioned signatory shall be a person [making the] authorized to make such report [or by] on behalf of the registrant/licensee, which shall include but not be limited to the president, vice-president, secretary or other responsible officer or employee of a corporation or association or by a partner or a responsible employee of a partnership.

(2) The commission may [make or direct the making of the investigation within or without the state as may be necessary for the performance of its duties] investigate and/or audit any registrant/licensee. Audits may be [made] performed by the [commissioners of several] commission in other member jurisdictions or the commission may participate in joint audits with other member jurisdictions. The commission shall follow the audit standards and procedures established in the IFTA and IRP.

(3) Upon completion of any audit, the [secretary] commission's **Motor Carrier Services Division (MCS)** shall [notify all jurisdictions in which the registrant was proportionally registered on the accuracy of the records of the registrant] provide notice of the audit findings to the registrant/licensee and to all member jurisdictions in which the registrant/licensee was apportioned or in which it traveled. Should the registrant/licensee have underpaid or overpaid [(in excess of ten dollars (\$10))] any member jurisdiction in which [his/her] its vehicles were [proportionally registered] apportioned or in which it traveled, this [information] amount shall be [furnished to the jurisdiction for collection or refund] netted when computing the results of the audit for refund or billing from MCS.

(4) If any [owner or operator of motor vehicles] registrant/licensee shall file any false report or give false information called for, or refuse or delay to give information pertinent to the commission in performing its duties [under sections 301.271–301.279, RSMo], the commission shall have power to revoke any or all reciprocity as to the [owner or operator] registrant/licensee. [The Uniform Operational Audit Procedures Guidelines approved by the International Registration Plan (IRP) jurisdictions set forth procedures required under audit and applicable to the preservations of records sufficient for a determination of true liability will be furnished upon request from the Missouri Highway Reciprocity Commission.]

AUTHORITY: sections 226.130 and 301.275, RSMo [1986] 2000 and 226.008, RSMo Supp. 2006. This rule originally filed as 12 CSR 20-5.010. Original rule filed July 22, 1965, effective Aug. 1, 1965. Amended: Filed Oct. 28, 1974, effective Nov. 7, 1974. Amended: Filed Oct. 15, 1986, effective Jan. 30, 1987. Amended: Filed Sept. 8, 1989, effective Jan. 26, 1990. Moved to 7 CSR 10-25.080 and amended: Filed Aug. 9, 2007.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title [12]7—DEPARTMENT OF [REVENUE] TRANSPORTATION

Division [20] 10—Missouri Highways [Reciprocity] and Transportation Commission Chapter [6—Trip Permits] 25—Motor Carrier Operations

PROPOSED AMENDMENT

[12 CSR 20-6.010] 7 CSR 10-25.060 **Trip Permits and Hunter's (Unladen) Permits.** The Missouri Highways and Transportation Commission is amending the title, purpose, and sections (1) through (5), deleting section (6) of this rule and adding additional sections.

PURPOSE: *This proposed amendment clarifies the transfer of the powers, duties, and functions regarding the issuance of interstate trip permits to the Missouri Highways and Transportation Commission. Also, it authorizes trip permits to be procured in one (1) to three (3) parts and requires third party contractors to retain records for three (3) years.*

PURPOSE: *The [Department of Revenue] Missouri Highways and Transportation Commission has the authority to issue trip permits for specified limited periods of commercial interstate use of Missouri highways. This rule interprets the purposes and the requirements for such issuance by the [Highway Reciprocity C]commission.*

(1) [A trip permit properly executed before entering a jurisdiction may legalize operation of vehicles.] **Definitions.**

(A) Fuel trip permit means a seventy-two (72) hour permit which is used to satisfy motor fuel use tax obligations on a trip-by-trip basis.

(B) Hunter's (Unladen) permit authorizes the movement of a vehicle which was proportionally registered in Missouri for purposes of securing a new lease agreement at the empty weight for thirty (30) days in member jurisdictions of the International Registration Plan (IRP).

(C) Seventy-two (72) hour reciprocity trip permit authorizes a vehicle legally registered in another jurisdiction to be operated intra-jurisdictionally and inter-jurisdictionally on the highways of Missouri in lieu of apportioned or full registration.

(D) Seventy-two (72) hour permit authorizes the movement of a vehicle on the highways of Missouri pending issuance of credentials when such vehicle is registered in accordance with Chapter 390, RSMo.

[(2) The period for which a trip permit may be issued shall be computed from the time the motor vehicle enters a jurisdiction until it leaves that jurisdiction. If a motor vehicle is unable to complete the trip within the specified period of time due to a mechanical failure or weather conditions, an additional permit shall be issued upon application being made and an additional fee being paid. The additional permit is only to be effective for a specific period of time.]

[(3)] (2) Trip permits may be [secured] obtained from the [Highway Reciprocity C]ommission[, Department of Revenue,] through its Motor Carrier Services Division (MCS) in Jefferson City, Missouri, by [transmitter service] facsimile, electronically, [or] telephone, [and request the Highway Reciprocity Commission to issue the permit by transmitter service] private contractors, or in person. [for each motor vehicle. Permits issued by transmitter service will be transmitted by the Department of Revenue after receipt of the appropriate fee for each requested permit.] The commission will not assume responsibility of loss for a transaction between two (2) private entities when a permit is not claimed by the applicant. [The fee for the permit shall be collected by the Department of Revenue and deposited with the state treasurer to the credit of the state highway department fund except when an agreement has been negotiated with another jurisdiction whereby prepayment is not required. In such cases, the terms of the agreement shall prevail.]

[(4)](3) [Reciprocity and special fuel] Trip permits may be [secured from the Highway Reciprocity Commission, Department of Revenue, Jefferson City, Missouri] obtained either singly as one (1) permit, in two (2) parts as one (1) permit, or in three (3) parts as one (1) permit in any number by completing the application and remitting the proper [amount] fees.

(4) The commission is authorized to enter into contracts with third parties to sell trip permits to the general public.

(5) A hunter's permit may be obtained from the commission only when:

(A) The commercial motor vehicle has been proportionally registered with the commission;

(B) The vehicle cannot be operated on Missouri highways because of lease cancellation;

(C) The plate on the vehicle has been returned to either the commission or to the lessee; and

(D) All other prerequisites of section 301.266, RSMo are fulfilled.

(6) The fee for trip or hunter's permits specified under state law is nonrefundable.

[(5)](7) [A trip permit may be issued for a motor vehicle originating its interstate operation in this state, but t]The trip or hunter's permit shall be in full force and effect before the operation of the motor vehicle commences on Missouri highways.

[(6) A trip permit shall be considered in full force and effect when it is fully documented and all the information required is recorded.]

AUTHORITY: sections 142.830, 226.130, 301.265, 301.267, and 301.275, RSMo [1986] 2000 and 226.008 and 390.136, RSMo Supp. 2006. This rule originally filed as 12 CSR 20-6.010. Original rule filed Nov. 20, 1967, effective Jan. 1, 1968. Amended: Filed Oct. 15, 1986, effective Jan. 30, 1987. Moved to 7 CSR 10-25.060 and amended: Filed Aug. 9, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title [12]7—DEPARTMENT OF [REVENUE] TRANSPORTATION

Division [20] 10—Missouri Highways [Reciprocity] and Transportation Commission

Chapter [7] 25—[International Fuel Tax Agreement] Motor Carrier Operations

PROPOSED AMENDMENT

[12 CSR 20-7.010] 7 CSR 10-25.070 Definitions. The Missouri Highways and Transportation Commission is amending section (1) of this rule.

PURPOSE: This proposed amendment evidences the transfer of the powers, duties, and functions to administer the International Fuel Tax Agreement from the Highway Reciprocity Commission to the Missouri Highways and Transportation Commission.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) When used in *[this chapter]* administrative rules 7 CSR 10-25.070 through 7 CSR 10-25.073, the following words and phrases have the meaning set forth here in this rule:

(A) "Agreement" means the International Fuel Tax Agreement (IFTA), which is incorporated herein by reference and made a part of this rule as published by the International Fuel Tax Association, Inc., 912 West Chandler Blvd., B-7, Chandler, AZ 85225, revised January 2007. This rule does not incorporate any subsequent amendments or additions of this manual;

(B) "Bulk storage" means when a licensee maintains tax paid fuel in a bulk storage tank that will be redistributed into qualified vehicles as needed. A licensee may claim the gallons as a tax paid purchase, on the IFTA return, as it is placed into the tanks of qualified vehicles but not before;

(C) "Cash bond" means a guaranteed payment to cover any outstanding tax liability;

[(B)](D) "Commission" means the Missouri Highways [Reciprocity] and Transportation Commission [established by section 301.273, RSMo (1986)] created in Article IV, Section 29 of the Missouri Constitution;

[(C)](E) "Director" means the [D]director of [Revenue established by Article IV, section 22 of the Missouri Constitution] the Motor Carrier Services Division of the Missouri Department of Transportation who is the official designated by the commission to be responsible for administration of the Agreement;

[(D)](F) [Executive director means the secretary of the Highway Reciprocity Commission, as established in section 301.273, RSMo (1986)] "Fuel trip permit miles" means miles accumulated while operating on a temporary fuel permit. Fuel trip permit miles are not considered taxable miles in any jurisdiction. These miles would be included in total miles traveled but not in total taxable miles;

(G) "Idle time" means fuel used when the engine is running but not propelling the vehicle;

[(E)](H) "IFTA" means the International Fuel Tax Agreement;

[(F) Licensee means a person who has been issued a license under the IFTA; and

(G) Report means any quarterly calendar fuel tax report required to be filed with the Highway Reciprocity Commission.]

(I) "Non-IFTA miles" means miles traveled in jurisdictions that are not members of IFTA. These miles must be included on the IFTA quarterly return in order to determine the correct miles per gallon;

(J) "Nontaxable fuel" means fuel purchased from a non-IFTA jurisdiction or used to operate unlicensed equipment that is drawn from a supply tank of a motor vehicle;

(K) "Nontaxable mileage" means miles traveled that are not subject to motor fuel taxes;

(L) "Off highway/road miles" means any miles not driven on a public highway. These miles are not taxable in Missouri but may be in some IFTA member jurisdictions;

(M) "Power of attorney" means a written statement legally authorizing a person to act on behalf of the applicant or licensee; and

(N) "Power Take Off (PTO) Equipment" means vehicle-mounted equipment that is powered by the main engine that also propels the vehicle.

AUTHORITY: sections [142.621] 142.617, 226.130 and 301.275, RSMo [1986 and 142.617, RSMo Supp. 1990] 2000 and 226.008, RSMo Supp. 2006. This rule originally filed as 12 CSR 20-7.010. Original rule filed Nov. 1, 1991, effective March 9, 1992. Moved to 7 CSR 10-25.070 and amended: Filed Aug. 9, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title [12] 7—DEPARTMENT OF [REVENUE] TRANSPORTATION

Division [20] 10—Missouri Highways [Reciprocity] and Transportation Commission Chapter [7] 25—[International Fuel Tax Agreement] Motor Carrier Operations

PROPOSED AMENDMENT

[12 CSR 20-7.020] 7 CSR 10-25.071 Application for International Fuel Tax Agreement License. The Missouri Highways and Transportation Commission is amending sections (1) through (8) of this rule and removing the form incorporated in this rule.

PURPOSE: This proposed amendment adds information requirements for International Fuel Tax Agreement license applicants.

(1) A person or entity desiring to obtain an International Fuel Tax Agreement (IFTA) license shall file an application with the [Missouri Highway Reciprocity C]commission in accordance with provisions of the IFTA and sections 142.617 and 226.008, RSMo.

(2) All initial applications will be accepted via United States mail, facsimile, or in person. All subsequent applications may be filed electronically.

[(2)](3) The applicant shall provide the information requested on the application form[, which] prescribed by IFTA and shall also include, but not be limited to, the following:

(A) The [federal employer identification number of the entity, or in the case of a sole proprietorship, the Social Security number of the owner] applicant's United States Department of Transportation (USDOT) number, if applicable;

[(B) The name of all owners or partners; if the applicant is a corporation, the names of the president, vice president, secretary and treasurer;

(C) The legal name of the business;

(D) The principal place of business and physical location(s), if different;

(E) The mailing address of the business;

(F) A list of all IFTA jurisdictions for which the applicant seeks authority;

(G) Signature of the person submitting the application and indication of representative capacity, if applicable; if the application is submitted by an authorized representative, a copy of a power of attorney must accompany the application and a signature of an owner or officer also must appear on the application;

(H) Number of qualified motor vehicles which are owned by the applicant on which Missouri IFTA decals will be used;

(I) Number of IFTA decals requested; and

(J) Statement of existence of bulk storage in all member jurisdictions]

(B) Whether petroleum products are transported;

(C) Lease information, if applicable;

(D) Proof of Missouri plate registration and/or proof of Missouri application for apportioned registration under the International Registration Plan; and

(E) History of any out-of-state IFTA license.

[(3)](4) The applicant shall certify under penalty of *[perjury]* law that the information contained in the application is true, accurate and complete, and that s/he agrees to comply with the reporting, record keeping, payment, display of decals and other requirements of the IFTA and the laws of this state.

(5) The applicant may appoint a carrier service or any other person other than the applicant as its power of attorney, but must submit the notarized power of attorney in writing to the commission prior to the applicant being issued an IFTA license.

[(4)](6) The applicant shall agree as part of the application that this state may withhold any refunds due if the applicant is delinquent in payment of fuel taxes due any IFTA member jurisdiction.

[(5)](7) The commission shall review the application and, upon satisfaction that the information contained in the application is true, accurate and complete, and that the applicant is not under revocation by any IFTA member jurisdiction at the time of application, issue the IFTA license and decals.

(8) The new year IFTA decal may be displayed one (1) month prior to its effective date with the current and new year IFTA license.

(9) The IFTA license shall be valid for the current calendar year ending December 31, and shall be reproduced by the licensee and placed in the qualified motor vehicles of the licensee's fleet.

(10) A thirty (30)-day temporary decal permit may be issued to a licensee in good standing to carry in lieu of displaying the annual decals. The temporary decal shall be vehicle specific, include an expiration date, and need not be displayed, but shall be carried in the vehicle with the current IFTA license.

[(6)](11) A *[n applicant]* licensee who has been **suspended, or an applicant or licensee who has been denied issuance *[for renewal]*** of an IFTA license **for failure to comply with the requirements of IFTA or other requirements set forth by the commission** may appeal the **suspension or denial** in accordance with the procedures set forth in *[this chapter]* 7 CSR 10-25.090.

[(7) A licensee shall make annual application for renewal of his/her IFTA license no later than December 31 of each calendar year.]

[(8) A licensee shall notify the commission at any time during the license year of any change in the information specified in section (2) of this rule.]

AUTHORITY: sections [142.621] 142.617, 226.130 and 301.275, RSMo [1986 and 142.617, RSMo Supp. 1990] 2000 and 226.008, RSMo Supp. 2006. This rule previously filed as 12 CSR 20-7.020. Original rule filed Nov. 1, 1991, effective March 9, 1992. Moved to 7 CSR 10-25.071 and amended: Filed Aug. 9, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title [12] 7—DEPARTMENT OF [REVENUE] TRANSPORTATION

Division [20] 10—Missouri Highways [Reciprocity] and Transportation Commission

Chapter [7] 25—[International Fuel Tax Agreement] Motor Carrier Operations

PROPOSED AMENDMENT

[12 CSR 20-7.030] 7 CSR 10-25.072 Fuel Tax *[Reports]* **Returns**. The Missouri Highways and Transportation Commission is amending the title, purpose, and sections (1) through (12) of this rule, adding additional sections, and removing the forms incorporated in this rule.

PURPOSE: This proposed amendment clarifies the transfer of the powers, duties, and functions regarding International Fuel Tax Agreement fuel tax returns to the Missouri Highways and Transportation Commission.

PURPOSE: This rule sets forth the procedures to be followed by a licensee in filing quarterly fuel tax *[reports]* **returns**.

(1) The licensee shall file a *[report]* **return** with the *[Highway Reciprocity C]*commission each calendar quarter. Quarterly *[reports]* **returns** required to be filed by this rule and the agreement shall be filed as follows:

- (A) First quarter *[reports]* **returns** are due on or before April 30;
- (B) Second quarter *[reports]* **returns** are due on or before July 31;
- (C) Third quarter *[reports]* **returns** are due on or before October 31; and
- (D) Fourth quarter *[reports]* **returns** are due on or before January 31.

(2) Quarterly returns are provided to the licensee at no charge at least thirty (30) days prior to the due date. Failure to receive the authorized return form does not relieve the licensee of the obligation to file the required return.

[(2)](3) If any date for filing a quarterly *[report]* **return** shall fall on a Saturday, Sunday or legal holiday, the deadline shall be the next day which is neither a Saturday, Sunday nor legal holiday.

[(3)](4) Every licensee shall file a *[report every]* **separate return each calendar quarter for each fuel type indicated on the initial or renewal application**, even if the licensee conducted no operations that quarter.

(5) Quarterly returns may be sent via United States mail, delivered in person, or electronically filed.

[(4) Quarterly report forms shall be provided to the licensee at no charge at least thirty (30) days prior to the due date. Failure to receive the authorized report form does not relieve the licensee of the obligation to file the required report.]

[(5)](6) The quarterly *[report]* return shall cover the previous calendar quarter and shall be on forms prescribed by the commission. *[and shall include, but not be limited to, the following:*

(A) Total distance traveled during the reporting period by qualified motor vehicles in the licensee's fleet. Total distance shall include both taxable and nontaxable travel;

(B) Total number of gallons or liters of motor fuel used by the licensee in the operation of qualified motor vehicles;

(C) Total miles/kilometers per gallon/liter consumed by the qualified motor vehicles in the fleet. To determine the miles per gallon (MPG) or kilometers per liter (KPL) divide total miles/kilometers by total gallons/liters;

(D) In-jurisdiction miles or kilometers traveled by qualified motor vehicles within each member jurisdiction;

(E) Gallons/liters of taxable motor fuel consumed within each member jurisdiction;

(F) Total number of gallons/liters of tax-paid fuel purchased within each member jurisdiction; and

(G) Signature of licensee or designated representative.]

(7) A valid signature on the initial or renewal application, or certification that the licensee agrees to comply with the requirements as specified in the International Fuel Tax Agreement (IFTA) when filing electronically, shall serve as the signature for all subsequent tax returns.

(8) Gallons of fuel consumed during idle time are taxable and must be reported on the IFTA quarterly return.

(9) Fuel used in a tank separate from the tank that propels the power unit is defined as reefer fuel. This fuel is not subject to tax and should not be included on the IFTA quarterly return. Refunds may be obtained by contacting the Missouri Department of Revenue, Taxation Bureau.

[(6)](10) Payment of all taxes, penalties, and interest, if applicable, due and owing to all IFTA member jurisdictions shall accompany the quarterly tax *[report]* return. *[Payment shall be by one (1) check made payable to the Director of Revenue.]* Any licensee may be required to make all payments by certified check or money order for good cause determined by the *[executive]* commission's Motor Carrier Services Division (MCS) director or his/her designee.

(11) Quarterly returns, after calculating all taxes owed to jurisdictions operated in during the quarter by the licensee, that results in a credit to the licensee may be refunded at the request of the licensee or credit may be accumulated to use on subsequent quarterly returns not to exceed eight (8) calendar quarters. Refunds of accumulated credits shall only be issued on credits of ten dollars (\$10) or more.

(12) Refunds to licensees will only be made when all tax liability, including audit assessments, have been satisfied to all applicable jurisdictions.

[(7)](13) A *[report]* return not filed by the due date shall be considered as late and any taxes due delinquent. If the return is received on or before the due date, but rejected because the return is not sufficient for processing and the return is received a second or subsequent time after the due date, penalty and interest will be assessed. A return shall contain total miles traveled in all jurisdictions, total fuel consumed in all jurisdictions, total miles, total taxable miles, and tax paid gallons to be processed.

[(8)](14) A licensee who files a late *[report]* return or who fails to pay taxes due by the required due date shall be subject to a penal-

ty of fifty dollars (\$50) or ten percent (10%) of the tax due, whichever is greater. *[A licensee who files a late report shall be subject to the assessment of a penalty for late filing]* even if no tax is due or the licensee is entitled to a refund or credit *[Upon good cause, the penalty for late filing may]* of any taxes paid. The licensee may request in writing that the late penalty be waived by the *[executive]* MCS director or his/her designee. The waiver may be granted one (1) time only over a period of three (3) calendar years or for other circumstances which the director or his/her designee deems appropriate.

[(9)](15) A licensee who fails to pay taxes due shall be assessed interest at the rate of twelve percent (12%) per annum as established by the Agreement. The interest due on taxes owing to other jurisdictions shall not be waived without prior written approval from such other jurisdictions.

[(10)] A licensee who fails to pay taxes due shall be assessed a penalty of fifty dollars (\$50) or ten percent (10%) of the tax due, whichever is greater. Upon good cause shown the executive director may waive the penalty for late payment of taxes.]

[(11)] A report is delinquent if—

(A) Postmarked or hand-delivered after the due date; or

(B) Originally received on or before the due date, but rejected because the report is not sufficient for processing and the report is received for a second or subsequent time after the due date.]

[(12)] An incomplete report postmarked or hand-delivered on or before the due date shall be considered as timely filed if the report contains sufficient information for the commission to be able to process the report. A report contains sufficient information to process, if Line A (total miles traveled in all states), Line B (total fuel consumed in all states), Column 2 (total miles), Column 3 (total taxable miles) and Column 5 (tax paid gallons) on the report are completed and the report is signed. No report shall be considered filed until it is received, signed by the licensee or designated representative.]

(16) A licensee may be required by the commission to post a cash bond: a) to reinstate a suspended account; or b) when in the commission's discretion, a bond is required to protect the interests of the IFTA member jurisdictions. The IFTA license can be suspended for nonfiling of a quarterly tax return and/or delinquent taxes, penalties, and/or interest. Licensees will be notified thirty (30) days after the required due date that their account is in jeopardy of being suspended. Failure to respond within thirty (30) days of the notification will result in a Notice of Suspension.

(17) To reinstate an IFTA license, all delinquent quarterly returns must be filed and all outstanding taxes, penalties, and/or interest paid. Licensees with a tax liability of more than one hundred twenty-five dollars (\$125) are required to post a cash bond in the amount twice the average tax liability. The minimum bond amount to be posted will be three hundred dollars (\$300). The MCS bond form must be completed in the exact name as the IFTA fleet, must be signed and notarized. The MCS director or his/her designee may reduce the bond amount for other circumstances which the director or his/her designee deems appropriate.

(18) Licensees may request their bond to be refunded upon closing their IFTA fleet or if they have filed timely returns for the last three (3) years and all tax liabilities and assessments have been satisfied.

(19) Any contractor or sub-contractor of the commission that is subject to regulation under these administrative rules shall at all times while conducting business with the commission under such contract be in good standing with the laws of the state of Missouri and the administrative rules of the commission, or shall obtain full compliance with such laws or rules within ten (10) days of being notified of noncompliance by MCS.

AUTHORITY: sections [142.621] 142.617, 226.130 and 301.275, RSMo [1986 and 142.617, RSMo Supp. 1990] 2000 and 226.008, RSMo Supp. 2006. This rule previously filed as 12 CSR 20-7.030. Original rule filed Nov. 1, 1991, effective March 9, 1992. Moved to 7 CSR 10-25.072 and amended: Filed Aug. 9, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title [12] 7—DEPARTMENT OF [REVENUE]
TRANSPORTATION
Division [20] 10—Missouri Highways [Reciprocity] and
Transportation Commission
Chapter [7] 25—[International Fuel Tax Agreement]
Motor Carrier Operations**

PROPOSED AMENDMENT

[12 CSR 20-7.040] 7 CSR 10-25.073 **Record Keeping Requirements.** The Missouri Highways and Transportation Commission is amending sections (1) through (3) and (5) through (8) of this rule.

PURPOSE: This proposed amendment updates information required for fuel and distance records and clarifies the extension of statute of limitations for motor fuel tax delinquency claims.

(1) A licensee shall maintain sufficient records to substantiate any fuel tax [report] **return** filed with the commission.

(2) A complete record of all fuel purchased, received and used in its operations shall be maintained by each licensee for a period of not less than four (4) years from the date of the [report] **return** to which the records are applicable. Fuel records at a minimum, shall contain, the following:

(C) Number of gallons/liters received **and the price per gallon/liter;**

(D) Type of fuel; [and]

(E) Identity of vehicle or equipment into which the fuel was placed[.]; **and**

(F) **Purchaser's name.**

(3) A licensee shall maintain individual distance records for each **trip for each** qualified motor vehicle in its fleet for a period of not less than four (4) years from the date of the [report] **return** to which the records are applicable. Distance records at a minimum, shall contain, the following:

(A) Taxable [miles/kilometers] **distance;**

(B) Nontaxable [miles/kilometers] **distance;**

(C) **Monthly and quarterly [D]distance** recaps for each jurisdiction in which the vehicle was operated;

(5) Records required to be kept by this rule and the Agreement may be kept on microfilm, [or] microfiche, **or an imaging system.**

(6) Failure to keep records in accordance with the rule and the Agreement may be cause for **cancellation or** revocation of the International Fuel Tax Agreement license. **Refer to 7 CSR 10-25.072(17) for the reinstatement requirements for a cancelled or revoked International Fuel Tax Agreement license.**

(7) Failure to provide records for the purpose of audit extends the statute of limitations **for filing any claim for recovery of motor fuel taxes** until the records are provided. Successive failure to provide any records requested for audit relate back to the first demand for those records.

(8) Records required to be kept under this rule and the Agreement shall be available to **the commission and** any member jurisdiction upon request.

AUTHORITY: sections [142.621] 142.617 and 301.275, RSMo [1986 and 142.617, RSMo Supp. 1990] 2000 and 226.008, RSMo Supp. 2006. This rule previously filed as 12 CSR 20-7.040. Original rule filed Nov. 1, 1991, effective March 9, 1992. Moved to 7 CSR 10-25.073 and amended: Filed Aug. 9, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 20—Highway Reciprocity Commission
Chapter 7—International Fuel Tax Agreement**

PROPOSED RESCISSION

12 CSR 20-7.050 Good Cause. This rule authorized the director to waive any International Fuel Tax Agreement penalty for good cause shown.

PURPOSE: This rule is being rescinded due to the requirement for requesting a waiver of penalties has been incorporated in 7 CSR 10-25.072, Fuel Tax Returns.

AUTHORITY: sections 142.621 and 301.275, RSMo 1986 and 142.617, RSMo Supp. 1990. Original rule filed Nov. 1, 1991, effective March 9, 1992. Rescinded: Filed Aug. 9, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title [12] 7—DEPARTMENT OF [REVENUE]
TRANSPORTATION**

**Division [20] 10—Missouri Highways [Reciprocity] and
Transportation Commission**

**Chapter [7] 25—[International Fuel Tax Agreement]
Motor Carrier Operations**

PROPOSED AMENDMENT

[12 CSR 20-7.060] 7 CSR 10-25.090 Appeals. The Missouri Highways and Transportation Commission is amending the purpose and sections (1) through (5) of this rule.

PURPOSE: This proposed amendment clarifies the transfer of the powers, duties, and functions regarding determination of any tax, penalties, and/or interest under the International Fuel Tax Agreement and under the International Registration Plan from the Highway Reciprocity Commission to the Highways and Transportation Commission.

PURPOSE: This rule sets forth the procedures for appealing a determination of the Missouri Highways [Reciprocity] and Transportation Commission concerning the assessment of any tax, penalties, and/or interest under the International Fuel Tax Agreement and under the International Registration Plan.

(1) A licensee/[applicant] **registrant** may request an informal review of a decision of the commission regarding the assessment of any tax, penalties or interest under the Agreement **or Plan** or of any suspension, revocation, cancellation or denial of a license, except a decision [of the commission] resulting from an audit, within thirty (30) days of issuance of an initial determination.

(2) The informal review may be conducted in person, in writing or by telephone with [the executive director of] **Missouri Department of Transportation, Motor Carrier Services Division, personnel delegated such authority by** the commission.

(3) In the event that the informal review is unable to resolve the dispute between the commission and the licensee/[applicant] **registrant**, the initial determination shall become the final decision of the [director of revenue] **commission**.

(4) Upon issuance of a final decision of the [director of revenue] **commission**, a licensee/[applicant] **registrant** may file, within thirty (30) days of the date of the decision or receipt, whichever is earlier, a written appeal of the decision with the Administrative Hearing Commission, P.O. Box 1557, Jefferson City, MO 65102-1557.

(5) A licensee/**registrant** shall **renew his/her license/registration, if applicable, and shall continue to file all [reports] returns/applications** not under appeal pending the determination of the Administrative Hearing Commission.

AUTHORITY: sections [142.621] **142.617, 226.130** and 301.275, RSMo [1986 and 142.617, RSMo Supp. 1990] **2000 and 226.008, RSMo Supp. 2006**. This rule previously filed as 12 CSR 20-7.060. Original rule filed Nov. 1, 1991, effective March 9, 1992. Moved to 7 CSR 10-25.090 and amended: Filed Aug. 9, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES

**Division 70—[Division of Medical Services]
MO HealthNet Division**

Chapter 10—Nursing Home Program

PROPOSED AMENDMENT

13 CSR 70-10.060 Retrospective Reimbursement Plan for State-Operated Facilities for ICF/MR Services. The division is amending sections (1), (2), (3), (4), (5), (6), (7), (10), and (12).

PURPOSE: This amendment modifies the language for state-operated facilities for ICF/MR services by substituting state-owned for the current terminology state-operated. This regulation change will provide the flexibility needed to address Missouri's plan to improve the safety, care, and quality of life for the residents of state ICF/MR facilities. This amendment also changes the name of the state's medical assistance program to MO HealthNet and revises the name of the program's administering agency to MO HealthNet Division to comply with state law. The amendment changes reference to program recipients to participants.

(1) Objectives. The retrospective rate plan described in this rule shall apply to state-[operated] **owned** intermediate care facility/mentally retarded (ICF/MR) facilities for dates of service on and after March 1, 1990, and the objective of this plan is to provide reimbursement of allowable cost.

(2) General Principles. The Missouri Medical Assistance program shall reimburse qualified providers of ICF/MR services based solely on the individual [Medicaid recipient's] **MO HealthNet participant's** days of care (within benefit limitations) multiplied by the facility's Title XIX per-/diem rate less any payments made by [recipients] **participants** as described in sections (4) and (5).

(3) Definitions.

(A) Allowable cost areas. Those cost areas which are allowable for allocation to the [Medicaid] **MO HealthNet** program based upon the principles established in this plan. The allowability of cost areas not specifically addressed in this plan will be based upon criteria of the Medicare Provider Reimbursement Manual (HIM-15) and section (7) of this rule.

(E) Division. The division, unless otherwise specified, refers to the [Division of Medical Services] **MO HealthNet Division**.

(G) ICF/MR. State-[operated] **owned** facilities certified to provide intermediate care for the mentally retarded under the Title XIX program.

(J) Patient days. Patient day of care is that period of service rendered a patient between the census-taking hours on two (2) consecutive days, including the twelve (12) temporary leave of absence days per any period of six (6) consecutive months as specifically covered under section (6) of this rule, the day of discharge being counted only when the patient was admitted the same day. A census log shall be maintained in the facility for documentation purposes. Census shall be taken daily at midnight. A day of care includes those overnight periods when a *[recipient]* participant is away from the facility on a facility-sponsored group trip and remains under the supervision and care of facility personnel.

(K) Providers. A provider under the Retrospective Reimbursement Plan is a state-*[operated]* owned ICF/MR facility with a valid participation agreement in effect on or after February 28, 1990, with the Missouri Department of Social Services for the purpose of providing long-term care (LTC) services to Title XIX-eligible *[recipients]* participants.

(4) Interim Rate.

(A) For service dates beginning March 1, 1990 through and including June 30, 1991, each provider shall be assigned an interim per-/diem rate for reimbursement under the Missouri Medicaid program. The interim per-/diem rate will be based on the provider's fiscal year (FY)-89 desk-reviewed allowable costs inflated forward on the basis of the historical rate of change. This rate of change shall be thirty-five percent (35%) of the following amount: the percentage increase between the FY-87 weighted mean allowable cost per patient day for all state-operated facilities (WMACPPDSOF) and the FY-89 WMACPPDSOF annualized by dividing by two (2).

Example

FY-87 WMACPPDSOF \$128.06

FY-89 WMACPPDSOF \$161.47

Percent of Change

$$(\$161.47 - \$128.06) \div \$128.06 = 26.09\%$$

Annualized Percent of Change

$$(\$26.09\% \div 2) = 13.04\%$$

35% of Annualized Percent of Change

$$(13.04\% \times 35\%) = 4.57\%$$

Facility FY-89 Allowable Cost

\$24,220,500

Facility FY-89 Patient Days 150,000

Inflated Cost

$$(\$24,220,500 \times 104.57\%) = \$25,327,376$$

Interim Rate

$$(\$25,327,376 \div 150,000) = \$168.85$$

(C) In the case of newly constructed state-*[operated]* owned ICF/MR facilities or existing facilities not previously certified to participate in the Title XIX Program entering the *[Missouri Medicaid]* MO HealthNet Program after February 28, 1990, the facilities shall have an interim rate based on one hundred twenty-five percent (125%) of the weighted mean rate of all providers for the month prior to entering the *[Missouri Medicaid]* MO HealthNet Program until the time a second prior year cost report is available, at which time the provisions of subsection (4)(B) will apply.

Example

Weighted Mean Rate of All Providers

(7/01/91) \$160

Interim Rate Effective (8/01/91)

$$(\$160 \times 125\%) = \$200$$

(5) Retroactive Adjustments.

(A) The division shall desk review the *[Medicaid]* MO HealthNet cost reports for each facility and shall determine the facility's allowable cost per patient day. This shall be the final per-/diem rate for the service dates covered by the cost report. A payment adjustment will be made equal to the difference between the final

per-/diem rate and the interim per-/diem rate multiplied by the *[Medicaid]* MO HealthNet days corresponding to the service dates covered by the interim per-/diem rate. For the period March 1, 1990 through June 30, 1990, the full facility Fiscal Year 1990 Medicaid cost report will be used to establish the final per-/diem rate for payment adjustment purposes.

(6) Covered Services and Supplies. ICF/MR services and supplies covered by the per-/diem reimbursement rate under this rule, and which must be provided, are found in 42 CFR 442.100-442.516 and include, among other services, the regular room, dietary and nursing services or any other services that are required for standards of participation or certification, also included are minor medical and surgical supplies and the use of equipment and facilities. These items include, but are not limited to, the following:

(B) Items which are furnished routinely and relatively uniformly to all *[recipients]* participants, for example, gowns, water pitchers, soap, basins and bed pans;

(E) Items which are utilized by individual *[recipients]* participants but which are reusable and expected to be available such as ice bags, bed rails, canes, crutches, walkers, wheelchairs, traction equipment and other durable, nondepreciable medical equipment;

(I) All general personal care services which are furnished routinely and relatively uniformly to all *[recipients]* participants for their personal cleanliness and appearance shall be covered services; for example, necessary clipping and cleaning of fingernails and toenails, basic hair care, shampoos and shaves to the extent necessary for reasonable personal hygiene. The provider shall not bill the patient or his/her responsible party for this type of personal service;

(K) Semiprivate room and board and private room and board when necessary to isolate a *[recipient]* participant due to a medical or social condition, such as contagious infection, irrational loud speech and the like. Unless a private room is necessary due to a medical or social condition, a private room is a noncovered service and a *[Medicaid recipient]* MO HealthNet participant or responsible party may pay the difference between a facility's semiprivate charge and its charge for a private room. *[Medicaid recipients]* MO HealthNet participants may not be placed in private rooms and charged any additional amount above the facility's *[Medicaid]* MO HealthNet per diem unless the *[recipient]* participant or responsible party specifically requests in writing a private room prior to placement in a private room and acknowledges that an additional amount not payable by *[Medicaid]* MO HealthNet will be charged for a private room;

(L) Twelve (12) days per any period of six (6) consecutive months during which a *[recipient]* participant is on a temporary leave of absence from the facility. These temporary leave of absence days specifically must be provided for in the *[recipient's]* participant's plan of care. Periods of time during which a *[recipient]* participant is away from the facility because s/he is visiting a friend or relative are considered temporary leaves of absence; and

(M) Days when *[recipients]* participants are away from the facility overnight on facility-sponsored group trips under the continuing supervision and care of facility personnel.

(7) Allowable Cost Areas.

(B) Depreciation.

1. An appropriate allowance for depreciation on buildings, furnishings and equipment which are part of the operation and sound conduct of the provider's business is an allowable cost item. Finder's fees are not an allowable cost item.

2. The depreciation must be identifiable and recorded in the provider's accounting records, based on the basis of the asset and prorated over the estimated useful life of the asset using the straight-line method of depreciation from the date initially put into service.

3. The basis of assets shall be the lower of the book value of the provider, fair market value at the time of acquisition or the recognized Internal Revenue Service (IRS) tax basis. Donated assets will

be allowed basis to the extent of recognition of income resulting from the donation of the asset. Should a dispute arise between a provider and the Department of Social Services as to the fair market value at the time of acquisition of a depreciable asset and an appraisal by a third party is required, the appraisal cost will be shared proportionately by the *[Medicaid]* **MO HealthNet** Program and the facility in ratio to *[Medicaid recipient]* **MO HealthNet participant** reimbursable patient days to total patient days.

4. Allowable methods of depreciation shall be limited to the straight-line method. The depreciation method used for an asset under the *[Medicaid]* **MO HealthNet** Program need not correspond to the method used by a provider for non-*[Medicaid]* **MO HealthNet** purposes; however, useful life shall be in accordance with the American Hospital Association's Guidelines. Component part depreciation is optional and allowable under this rule.

5. Historical cost is the cost incurred by the provider in acquiring the asset and preparing it for use except as provided in this rule. Usually, historical cost includes costs that would be capitalized under generally accepted accounting principles. For example, in addition to the purchase price, historical cost would include architectural fees and related legal fees. Where a provider has elected to expense certain items such as interest and taxes during construction, the historical cost basis for *[Medicaid]* **MO HealthNet** depreciation purposes may include the amount of these expensed items. However, where a provider did not capitalize these costs and has written off the costs in the year they were incurred, the provider cannot retroactively capitalize any part of these costs under the program. For Title XIX purposes and this rule, any asset costing less than five hundred dollars (\$500) or having a useful life of one (1) year or less may be expensed and not capitalized at the option of the provider.

6. When an asset is acquired by trading in an existing asset, the cost basis of the new asset shall be the sum of undepreciated cost basis of the traded asset plus the cash paid.

7. Capital expenditures for building construction or for renovation costs which are in excess of one hundred fifty thousand dollars (\$150,000) and which cause an increase in a provider's bed capacity shall not be allowed in the program or depreciation base if the capital expenditures have not received approved CON or waiver.

8. Amortization of leasehold rights and related interest and finance costs shall not be allowable costs under this plan.

(C) Interest and Finance Costs.

1. Necessary and proper interest on both current and capital indebtedness shall be an allowable cost item excluding finder's fees.

2. Interest is the cost incurred for the use of borrowed funds. Interest on current indebtedness is the cost incurred for funds borrowed for a relatively short-term. This is usually for purposes as working capital for normal operating expenses. Interest on capital indebtedness is the cost incurred for funds borrowed for capital purposes such as acquisition of facilities and capital improvements and this indebtedness must be amortized over the life of the loan.

3. Interest may be included in finance charges imposed by some lending institutions or it may be a prepaid cost or discount in transactions with those lenders who collect the full interest charges when funds are borrowed.

4. To be an allowable cost item, interest (including finance charges, prepaid costs and discounts) must be supported by evidence of an agreement that funds were borrowed and that payment of interest and repayment of the funds are required, identifiable in the provider's accounting records, relating to the reporting period in which the costs are claims and necessary and proper for the operation, maintenance or acquisition of the provider's facilities.

5. Necessary means that the interest be incurred for a loan made to satisfy a financial need of the provider and for a purpose related to *[recipient]* **participant** care. Loans which result in excess funds or investments are not considered necessary.

6. Proper means that the interest be incurred at a rate not in excess of what a prudent borrower would have had to pay in the money market existing at the time the loan was made and provided

further the department shall not reimburse for interest and finance charges any amount in excess of the prime rate current at the time the loan was obtained.

7. Income from a provider's qualified retirement fund shall be excluded in consideration of the per-/diem rate.

8. A provider shall amortize finance charges, prepaid interest and discount over the period of the loan ratably or by means of the constant rate of interest method on the unpaid balance.

9. Usual and customary costs excluding finder's fees incurred to obtain loans shall be treated as interest expense and shall be allowable costs over the loan period ratably or by means of the constant interest applied method.

10. Usual and customary costs shall be limited to the lender's title and recording fees, appraisal fees, legal fees, escrow fees and closing costs.

11. Interest expense resulting from capital expenditures for building construction or for renovation costs which are in excess of one hundred fifty thousand dollars (\$150,000) and which cause an increase in a bed capacity by the provider shall not be an allowable cost item if the expenditure fails to comply with other federal or state requirements that promulgate a limitation on reimbursement for capital expenditures, such as CON.

(K) Utilization Review. Incurred cost for the performance of required utilization review for ICF/MR is an allowable cost area. The expenditures must be for the purpose of providing utilization review on behalf of Title XIX *[recipients]* **participants**. Utilization review costs incurred for Title XVIII and XIX must be apportioned on the basis of reimbursable *[recipient]* **participant** days recorded for each program during the reporting period.

(M) Nonreimbursable Costs.

1. Bad debts, charity and courtesy allowances are deductions from revenue and are not to be included as allowable costs.

2. Those services that are specifically provided by Medicare and *[Medicaid]* **MO HealthNet** must be billed to those agencies.

3. Any costs incurred that are related to fund drives are not reimbursable.

4. Costs incurred for research purposes shall not be included as allowable costs.

5. The cost of services provided under the Title XX program, by contract or subcontract, is specifically excluded as an allowable item.

(N) Other Revenues. Other revenues, including those listed that follow, will be deducted from the total allowable cost, and must be shown separately in the cost report by use of a separate schedule if included in the gross revenue: income from telephone services; sale of employee and guest meals; sale of medical abstracts; sale of scrap and waste food or materials; rental income; cash, trade, quantity time and other discounts; purchase rebates and refunds; parking lot revenues; vending machine commission or profit; sales from drugs to other than *[recipients]* **participants**; Medicare Part B revenues; and room reservation charges for temporary leave of absence days which are not covered services under section (6) of this rule. Failure to separately account for any of the revenues specifically set out previously in this rule in a readily ascertainable manner shall result in termination from the program.

(O) Apportionment of Costs to *[Medicaid Recipient]* **MO HealthNet Participant** Residents. Provider's allowable cost areas shall be apportioned between the certified ICF/MR portion and the noncertified portion so that the share borne by the *[Medicaid]* **MO HealthNet** program is based upon actual services received by program *[recipients]* **participants**.

(10) Payment Assurance.

(B) Where third-party payment is involved, *[Medicaid]* **MO HealthNet** will be the payor of last resort with the exception of state programs such as Vocational Rehabilitation and the Missouri Crippled Children's Service. Procedures for remitting third-party

payments are provided in the Missouri Medical Assistance [(Medicaid)] (MO HealthNet) Program provider manuals.

(12) Payment in Full. Participation in the program shall be limited to providers who accept as payment in full for covered services rendered to [Medicaid recipients] MO HealthNet participants, the amount paid in accordance with these rules and applicable copayments.

AUTHORITY: sections 208.153, [RSMo Supp. 1991,] 208.159 [RSMo 1986] and 208.201, RSMo [Supp. 1987] 2000. Original rule filed March 5, 1990, effective June 11, 1990. Amended: Filed Dec. 14, 1992, effective June 7, 1993. Amended: Filed Aug. 15, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2060—State Board of Barber Examiners
Chapter 1—General Rules**

PROPOSED RESCISSION

20 CSR 2060-1.010 General Organization. This rule established the State Board of Barber Examiners' operation and the methods of communication.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 328.030, 328.040, 328.050.1 and 328.070, RSMo 1994. This rule originally filed as 4 CSR 60-1.010. Original rule filed April 2, 1976, effective Oct. 11, 1976. Amended: Filed May 23, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Nov. 12, 1997, effective May 30, 1998. Moved to 20 CSR 2060-1.010, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received with-

in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2060—State Board of Barber Examiners
Chapter 1—General Rules**

PROPOSED RESCISSION

20 CSR 2060-1.015 Public Complaint Handling and Disposition Procedure. This rule established the procedure for receipt, handling and disposition of public complaints by the board.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 328.060.2, and 328.150.2, RSMo 1994. This rule originally filed as 4 CSR 60-4.030. This rule previously filed as 4 CSR 60-1.015. Original rule filed Nov. 12, 1997, effective May 30, 1998. Moved to 20 CSR 2060-1.015, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission would not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2060—State Board of Barber Examiners
Chapter 1—General Rules**

PROPOSED RESCISSION

20 CSR 2060-1.030 Requirement of Identification. This rule established the requirement for state identification.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 328.060 and 328.150, RSMo 2000. This rule originally filed as 4 CSR 60-1.030. Original rule filed Dec. 1, 2000, effective May 30, 2001. Moved to 20 CSR 2060-1.030, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2060—State Board of Barber Examiners
Chapter 1—General Rules**

PROPOSED RESCISSION

20 CSR 2060-1.040 Reinstatement of Expired License. This rule established the requirements for reinstatement of an expired license.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 328.080, RSMo 2000 and 328.110, RSMo Supp. 2003. This rule originally filed as 4 CSR 60-1.040. Original rule filed July 31, 2003, effective Jan. 30, 2004. Moved to 20 CSR 2060-1.040, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2060—State Board of Barber Examiners
Chapter 2—Licensure Requirements**

PROPOSED RESCISSION

20 CSR 2060-2.015 Licensure by Examination for a Barber. This rule established the requirements and procedures for obtaining a barber license by examination.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 328.080 and 328.110, RSMo Supp. 2004. This rule originally filed as 4 CSR 60-2.015. Original rule filed Nov. 12, 1997, effective May 30, 1998. Amended: Filed April 1, 2005, effective Sept. 30, 2005. Moved to 20 CSR 2060-2.015, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2060—State Board of Barber Examiners
Chapter 2—Licensure Requirements**

PROPOSED RESCISSION

20 CSR 2060-2.020 Licensure by Examination for Instructor. This rule established the requirements and procedures for obtaining an instructor license by examination.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 328.080, 328.090 and 328.110, RSMo 1994. This rule originally filed as 4 CSR 60-2.020. Original rule filed Nov. 12, 1997, effective May 30, 1998. Moved to 20 CSR 2060-2.020, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2060—State Board of Barber Examiners
Chapter 2—Licensure Requirements**

PROPOSED RESCISSION

20 CSR 2060-2.030 Reciprocity. This rule established the requirements for obtaining licensure by reciprocity.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 328.085 and 328.100, RSMo 1994. This rule originally filed as 4 CSR 60-2.030. Original rule filed Nov. 12, 1997, effective May 30, 1998. Moved to 20 CSR 2060-2.030, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2060—State Board of Barber Examiners
Chapter 2—Licensure Requirements**

PROPOSED RESCISSION

20 CSR 2060-2.040 Barbershops. This rule established the requirements and procedures for obtaining a license for a barbershop.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 328.115.3 and 328.120, RSMo 2000 and 328.075.3, RSMo Supp. 2004. This rule originally filed as 4 CSR 60-2.040. Original rule filed Nov. 12, 1997, effective May 30, 1998. Amended: Filed April 1, 2005, effective Sept. 30, 2005. Moved to 20 CSR 2060-2.040, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2060—State Board of Barber Examiners
Chapter 2—Licensure Requirements**

PROPOSED RESCISSION

20 CSR 2060-2.050 Barber School/College. This rule established the requirements and procedures for obtaining a license for a barber school/college.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 328.115, RSMo 1994 and 328.120, RSMo Supp. 1997. This rule originally filed as 4 CSR 60-2.050. Original rule filed Nov. 12, 1997, effective May 30, 1998. Moved to 20 CSR 2060-2.050, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2060—State Board of Barber Examiners
Chapter 3—Curriculum Requirements for Barber
Schools/Colleges**

PROPOSED RESCISSION

20 CSR 2060-3.015 Rules and Curriculum Prescribed for Barber Schools/Colleges. This rule established the general requirements for barber school/college curriculum and teaching (instructor) requirements.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 328.115, 328.120 and 328.150, RSMo 2000 and 328.080, RSMo Supp. 2004. This rule originally filed as 4 CSR 60-2.010. This rule previously filed as 4 CSR 60-3.015. Original rule filed Nov. 12, 1997, effective May 30, 1998. Amended: Filed April 1, 2005, effective Sept. 30, 2005. Moved to 20 CSR 2060-3.015, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2060—State Board of Barber Examiners
Chapter 4—Sanitation Rules**

PROPOSED RESCISSION

20 CSR 2060-4.015 Sanitation Rules. This rule explained sanitary requirements for shops, schools/colleges and persons lawfully practicing the occupation of barbering.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 328.060.2, 328.115, 328.130, 328.150 and 328.160, RSMo Supp. 2000. This rule originally filed as 4 CSR 60-3.010. This rule previously filed as 4 CSR 60-3.010. Original rule filed Nov. 12, 1997, effective May 30, 1998. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed July 31, 2003, effective Jan. 30, 2004. Moved to 20 CSR 2060-4.015, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 1—Organization and Description of Board**

PROPOSED RULE

20 CSR 2085-1.010 General Organization

PURPOSE: This regulation complies with section 536.023(3), RSMo 2000, which requires each agency to adopt as a regulation, a description of its operation and the methods and procedures whereby the public may obtain information or make submissions or requests.

(1) The board was established by section 329.015, RSMo, and is vested with the duties previously exercised by the State Board of Barber Examiners and the State Board of Cosmetology.

(2) The State Board of Cosmetology and Barber Examiners is a board within the Division of Professional Registration of the Department of Insurance, Financial Institutions and Professional Registration.

(3) Each member of the State Board of Cosmetology and Barber Examiners shall receive the sum of seventy dollars (\$70) as compen-

sation for each day actually spent in attendance at meetings of the board, not to exceed forty-eight (48) days in any calendar year and in addition they shall be reimbursed for all necessary expenses incurred in the performance of their duties as members of the board.

(4) The board shall meet at least six (6) times per year as determined by the board. The time and location for each meeting may be obtained by contacting the executive director of the board at PO Box 1062, Jefferson City, MO 65102, or by calling toll free at (866) 762-9432.

(5) The board shall elect one (1) of its member's president, one (1) vice president and one (1) secretary, with the limitation that no single profession can hold the positions of president and vice president at the same time. Election of officers of the board shall be held annually at the May meeting of the board. If any elected position is vacated during the year for any reason, then an election shall be held for that position only.

(6) The executive director of the board is hereby designated as the custodian of records for the board. The public may obtain information from the board or make submissions or requests to the board by writing the executive director at the following address: PO Box 1062, Jefferson City, MO 65102.

(7) Unless otherwise provided by statute or regulation, all meetings of the board will be conducted according to the current edition of *Robert's Rules of Order* to the extent not inconsistent with the practices and procedures of the board.

AUTHORITY: sections 329.023 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately forty-two thousand six hundred fifteen dollars (\$42,615) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 1 - Organization and Description of Board
Proposed Rule - 20 CSR 2085-1.010 General Organization**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$42,615

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to prepare for board meetings, process per diem requests and respond to request for public information.
- 2) Expense and equipment costs are incurred for board expenses for preparing board agendas and request for public information.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement - 5%
Personal Service	\$0	\$12,132
Expense & Equipment	\$0	\$5,972
Transfers	\$0	\$24,511
TOTAL	\$0	\$42,615

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and
Barber Examiners
Chapter 2—Public Complaint Handling and Disposition
Procedures**

PROPOSED RULE

20 CSR 2085-2.010 Public Complaint Handling and Disposition Procedures

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints by the board.

(1) The State Board of Cosmetology and Barber Examiners shall receive and process each complaint made in writing against any licensee, permit (registration) holder, registrant of the board or unlicensed individual or entity, which alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapters 328 and 329, RSMo. Any member of the public or the professions licensed, or any federal, state or local official, may make and file a complaint with the board. Complaints from sources outside Missouri will be received and processed in the same manner as those originating in Missouri.

(2) The board, executive director, or any staff member of the board may file a complaint pursuant to this rule in the same manner as any member of the public. No member of the State Board of Cosmetology and Barber Examiners shall file a complaint with the board while he/she holds that office, unless that member excuses him/herself from further board deliberations or activity concerning the matters alleged within that complaint.

(3) Complaints may be made on forms provided by the board and are available upon request. Complaints should be mailed or delivered to the following address: Executive Director, State Board of Cosmetology and Barber Examiners, PO Box 1062, Jefferson City, MO 65102. However, actual receipt of the complaint by the board at its administrative office in any manner shall be sufficient. Complaints may be made based upon personal knowledge or upon information and belief reciting information received from other sources.

(4) All complaints shall be made in writing, signed and shall fully identify the nature of the complaint and the name and address of the complainant. The board may require that a complaint be made by affidavit sworn before a notary public or other authorized officer and that the complaint fully identify the affiant by name and address. Oral, telephone, written but unsworn or unsigned communications of any sort may not be considered or processed as complaints, however, the person making these communications, if known, may be provided with a complaint form and requested to complete it and return it to the board in affidavit form. Any member of the administrative staff of the board may make and file a complaint based upon information and belief, in reliance upon oral, telephone or written communications received by the board, unless those communications are believed by that staff member to be false.

(5) Each complaint received under this rule shall be acknowledged in writing. The acknowledgement shall state that the complaint is being referred to the board for consideration at its next regularly scheduled meeting. The complainant shall be informed in writing as to whether the complaint is being investigated, and later, as to whether the complaint is being dismissed by the board. The complainant shall be notified of the ultimate disposition of the complaint by the board and shall be provided with copies of any decisions of the Administrative

Hearing Commission and the board at that time. The provisions of this section shall not apply to complaints filed by staff members of the board, based on information and belief, acting in reliance on third party information received by the board.

(6) Each complaint received under this rule shall be logged in consecutive order as received. The log shall contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal or closure by the board or formal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint.

(7) Both the complaint and any information obtained as a result of the investigation shall be considered a closed record, pursuant to section 620.010.14(7), RSMo, and shall not be available for inspection by the general public. However, upon receipt of a signed authorization on a form provided by the board from the person who is the subject of the complaint and payment of any applicable fee, the board shall provide that person, or that person's authorized representative, with a copy of the complaint and any attachments to the complaint unless otherwise privileged.

(8) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee, permit holder or registrant of the board with any actionable conduct or violation, whether or not the complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the board and whether or not any public complaint has been filed with the board.

(9) The board interprets this rule, as required by law, to exist for the benefit of those members of the public who submit complaints to the board, and for those persons or entities within the legislative and executive branches of government having supervisory or other responsibilities or control over the professional licensing boards. This rule shall not be deemed to protect or inure to the benefit of those licensees, permit holders, registrants or other persons against whom the board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of Chapters 328 and 329, RSMo.

AUTHORITY: sections 328.150 and 329.140, RSMo 2000 and 620.010.15(6) and 329.025(1), RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately forty-two thousand six hundred fifteen dollars (\$42,615) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 2 - Public Complaint Handling and Disposition Procedures
Proposed Rule - 20 CSR 2085-2.010 Public Complaint Handling and Disposition Procedures**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$42,615

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to prepare for receiving complaints, acknowledging receipt of the complaint and logging the complaint into the board's tracking system.
- 2) Expense and equipment costs are incurred for board expenses for preparing board agendas and request for public information.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 5%
Personal Service	\$0	\$12,132
Expense & Equipment	\$0	\$5,972
Transfers	\$0	\$24,511
TOTAL	\$0	\$42,615

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 &

4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 4—General Rules Applicable to All
Licensees/Registrants**

PROPOSED RULE

20 CSR 2085-4.010 Renewal Dates

PURPOSE: This rule establishes and fixes the renewal dates for licenses issued pursuant to Chapters 328 and 329, RSMo.

(1) All barber and cosmetology licenses and registrations, including school licenses, shall be renewed biennially and shall expire on September 30 of each odd-numbered year.

(2) The license period for barber and cosmetology schools shall run concurrently with other certificates of registration and licenses issued by the board.

AUTHORITY: sections 328.110, 329.025.1(7) and 329.120, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 4 - General Rules Applicable to all Licensees/Registrants
Proposed Rule - 20 CSR 2085-4.010 Renewal Dates**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries regarding the expiration dates of licenses and verify license status to members of the general public.
- 2) Expense and equipment costs are incurred for board expenses for request for public information.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 4—General Rules Applicable to All
Licensees/Registrants**

PROPOSED RULE

20 CSR 2085-4.020 Change of Name and Mailing Address

PURPOSE: This rule requires a license holder to provide the board with a current name and mailing address.

(1) A licensee shall ensure that the office has their current legal name and address.

(2) Except as otherwise provided by statute or by regulation of the board, a licensee whose address has changed shall inform the office of the address change in writing within thirty (30) days of the effective date.

(3) A licensee whose name is changed by marriage or court order shall notify the office in writing within thirty (30) days of the name change and provide a copy of the appropriate documents verifying the name change.

AUTHORITY: sections 329.025 and 329.025.1(7), RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 4 - General Rules Applicable to all Licensees/Registrants

Proposed Rule - 20 CSR 2085-4.020 Change of Name and Mailing Address

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries and updating the division's licensing system with name and mailing address changes.
- 2) Expense and equipment costs are incurred for board expenses for request for public information.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 4—General Rules Applicable to All
Licensees/Registrants**

PROPOSED RULE

20 CSR 2085-4.030 Duplicate License

PURPOSE: This rule establishes the procedure necessary to obtain a duplicate license.

(1) No person shall use or post any certificate, registration or license issued by the board within any barber or cosmetology establishment that has been photocopied or reproduced. Valid duplicate licenses may only be obtained from the board's office.

(2) If a license has been destroyed, lost, mutilated beyond practical usage or was never received, the licensee must obtain a duplicate license from the board. The licensee may choose one (1) of the following options:

(A) The licensee shall appear and present the applicable duplicate license fee established in 20 CSR 2085-3.010; or

(B) The licensee shall appear and present a notarized affidavit stating that the license has been destroyed, lost, mutilated beyond practical usage, or was never received. No fee is required with this option. The board may discipline any person who fails to provide truthful and accurate information on an affidavit submitted to the board, as provided in Chapters 328 and 329, RSMo.

(3) To obtain a duplicate license under either of the options in section (2), a licensee must personally appear at the board's office in Jefferson City. Directions to the office may be obtained by contacting the board office or on the board's website at www.pr.mo.gov. In addition to his/her appearance at the board office, a licensee must produce the following items:

(A) One (1) form of identification as described in 20 CSR 2085-4.040; and

(B) Two (2) United States passport photographs of the licensee measuring approximately two inches by two inches (2" × 2") which have been taken within the last five (5) years.

(4) If a licensee recovers the original license after obtaining a duplicate license in accordance with this regulation, the licensee shall mail the original license to the board office within ten (10) days.

AUTHORITY: sections 329.123, RSMo 2000 and 329.025.1, 329.110.1 and 328.130, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately four hundred fifty dollars (\$450) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri

State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2085 - State Board of Cosmetology and Barber Examiners****Chapter 4 - General Rules Applicable to all Licensees/Registrants****Proposed Rule - 20 CSR 2085-4.030 Duplicate License**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries and updating the division's licensing system with name and mailing address changes.
- 2) Expense and equipment costs are incurred for board expenses for issuing and mailing duplicate licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement – 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2085 - State Board of Cosmetology and Barber Examiners****Chapter 4 - General Rules Applicable to All Licensees/Registrants****Proposed Rule - 20 CSR 2085-4.030 Duplicate License**

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
45	Licensees (Duplicate License @ \$10)	\$450

**Estimated Annual Cost of
Compliance for the Life of the Rule** **\$450**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. Fees for notarization are not included in the private entity cost associated with this fiscal note since members of the board staff are notaries and provide this service free of charge.
3. Travel expenses are not included in the private entity cost associated with this fiscal note due the various geographic locations and distances of licensees.
4. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 4—General Rules Applicable to All
Licensees/Registrants**

PROPOSED RULE

20 CSR 2085-4.040 Requirement of Identification

PURPOSE: This rule establishes the requirement that all licensees must have on their person a form of state identification while providing any barber or cosmetology service.

(1) All licensees must possess or obtain one (1) of two (2) forms of state identification.

(A) The first acceptable form of identification is an automobile driver's license from any state; or

(B) The second acceptable form of identification is a Missouri state identification card. Missouri state identification cards may be obtained from the Missouri Department of Revenue's offices throughout the state.

(2) All licensees must carry one (1) of these forms of identification with them at all times when providing any professional barber or cosmetology services. Licensees must immediately produce one (1) of these forms of identification upon demand to any board inspector, to the board or its representative.

AUTHORITY: section 329.025.1(7), RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eight thousand five hundred twenty-three dollars (\$8,523) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately two thousand seven hundred fifty dollars (\$2,750) every three (3) years for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 4 - General Rules Applicable to all Licensees/Registrants
Proposed Rule - 20 CSR 2085-4.040 Requirement for Identification**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$8,523

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries and verifying the status of licenses.
- 2) Expense and equipment costs are incurred for board expenses for verifying licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 60%	Enforcement - 40%
Personal Service	\$0	\$2,426
Expense & Equipment	\$0	\$1,194
Transfers	\$0	\$4,902
TOTAL	\$0	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2085 - State Board of Cosmetology and Barber Examiners****Chapter General Rules Applicable to All Licensees/Registrants****Proposed Rule - 20 CSR 2085-4.040 Requirement for Identification**

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
250	Licensees (State Identification Card @ \$11.00)	\$2,750

**Estimated Cost of Compliance
of the Rule Every Three Years
for the Life of the Rule**

\$2,750

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. It is anticipated that the total cost will recur every three years for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 4—General Rules Applicable to All
Licensees/Registrants**

PROPOSED RULE

**20 CSR 2085-4.050 Certification of Licensure, Training Hours or
Exam Scores**

PURPOSE: This rule establishes the procedure necessary to obtain a certification of licensure, training hours or examination sources.

(1) Any licensee desiring a certification/affidavit of his/her licensure, training hours, examination scores, or any combination of these, shall submit to the board a written request which contains the licensee's name, address, license number and signature and directs who the information may be sent to. The request shall be submitted with the required fee.

AUTHORITY: sections 329.127, RSMo 2000 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one thousand seven hundred sixty dollars (\$1,760) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 4 - General Rules Applicable to all Licensees/Registrants

Proposed Rule - 20 CSR 2085-4.050 Certification of Licensure, Training Hours and Exam Scores

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries and verify request for certification of licensure, training hours and exam scores.
- 2) Expense and equipment costs are incurred for board expenses for verifying information in writing.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2085 - State Board of Cosmetology and Barber Examiners****Chapter 4 - General Rules Applicable to All Licensees/Registrants****Proposed Rule - 20 CSR 2085-4.050 Certification of Licensure, Training Hours or Exam Scores**

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
176	Licensees (Certification of Licensure, Training Hours or Exam Scores @ \$10)	\$1,760

**Estimated Annual Cost of
Compliance for the Life of the Rule** **\$1,760**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. Fees for notarization are not included in the private entity cost associated with this fiscal note since members of the board staff are notaries and provide this service free of charge.
3. Travel expenses are not included in the private entity cost associated with this fiscal note due the various geographic locations and distances of licensees.
4. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 4—General Rules Applicable to All
Licensees/Registrants**

PROPOSED RULE

20 CSR 2085-4.060 Inspections

PURPOSE: This rule establishes the requirements necessary for inspection of barber and cosmetology schools and establishments.

(1) Every apprentice establishment and school licensed by the board shall be open to inspection by members, representatives, or inspectors of the board during normal working hours or at reasonable times as requested by the board. It shall be the responsibility of the holder(s) of the establishment or school license to keep the board informed of the licensee's business hours and to make the establishment or school available for inspection by the board or its representative. Establishment or school licensees shall promptly respond to a request by the board for a list of times during which the establishment or school is open.

AUTHORITY: sections 328.090, 328.115, 329.025.1, 329.040 and 329.045, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately ninety-three thousand seven hundred fifty-two dollars (\$93,752) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 4 - General Rules Applicable to all Licensees/Registrants

Proposed Rule - 20 CSR 2085-4.060 Inspections

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$93,752

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to conduct inspections.
- 2) Expense and equipment costs are incurred for board expenses relating to mileage and reimbursement of expense and equipment for inspectors.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 2%	Enforcement – 8%
Personal Service	\$7,279	\$19,411
Expense & Equipment	\$3,583	\$9,555
Transfers	\$14,706	\$39,217
TOTAL	\$25,569	\$68,183

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 5—Barber Licensing**

PROPOSED RULE

20 CSR 2085-5.010 Licensure by Examination for a Barber

PURPOSE: This rule establishes the requirements and procedures for obtaining a barber license by examination.

(1) All applicants for a barber license shall meet all requirements in section 328.080, RSMo, and the applicable rules of the board before taking the examination.

(2) Application for examination shall be made on the forms provided by the board. Applications may be obtained by writing or calling the board. The mailing address is: PO Box 1062, Jefferson City, MO 65102 and the telephone number is (573) 751-0805 or toll free number is (866) 762-9432. The TDD number is (800) 735-2966.

(3) Upon graduation from a Missouri school licensed by the board, or an apprentice barber establishment, an application for examination may be obtained from the school, apprentice supervisor or the board upon a satisfactory showing that training requirements are completed. Applicants that have currently graduated from an out-of-state licensed barber school or apprentice barber establishment, and upon satisfactory showing that training requirements are completed, may obtain an application for examination from the board.

(4) No training received in a school may be credited towards the fulfillment of the hours necessary in an apprenticeship program and no training received in a barber establishment may be credited towards the hours required in a school to meet the minimum requirements necessary to qualify for a state examination.

(5) Temporary Permit. An individual who has applied to take the state examination may, at the same time, apply for a temporary permit to practice as a barber. Individuals operating under a temporary permit shall be under the supervision of a barber currently licensed by the board. A temporary permit issued to a student or apprentice will be terminated if the student or apprentice fails to pass an examination or fails to appear for a scheduled examination. Thereafter, the person may practice as a barber in Missouri only after passing a state examination and receiving a license. An additional temporary permit shall not be extended for any individual.

(6) In order to be scheduled for examination, all training hours must be completed and a properly completed application on a form supplied by the board must be received by the board within five (5) years from the date the board issues the relevant student/apprentice license. The Application for Examination/Temporary Permit Form must be received in the board office no less than fourteen (14) days prior to the date of the scheduled examination the applicant desires to take. Applications received after the cut-off date and all applications received after every available space for the examination has been filled, whether that application was received prior to or after this cut-off date, shall be scheduled for the next regularly scheduled examination. The Examination Scheduling Request Form must be submitted to the test administrator's office along with all applicable examination fees required by the test administrator. Applicants shall comply with all applicable rules of the test administrator.

(7) At the discretion of the board, the examination may be administered by the board or its authorized representative or the board may

contract with a third party for testing/examination services. All parts of the examination must be passed for licensure. The minimum passing examination scores required for licensure as a barber are seventy-five (75) for the practical examination and a score of seventy-five (75) for the written examination.

(8) Failure of any portion of the examination will require the applicant to reapply with the applicable fee for examination. Applicants shall be required to retake only the portion(s) of the examination that were failed.

(9) Pursuant to Chapter 328, RSMo and the board's statutory duty to assess qualifications and skill, training completed by a student or apprentice shall be recognized by the board for a period of no more than five (5) years from the date it is received.

(10) Upon notification from the board of passing scores on both portions of the examination for licensure as a barber, the applicable fee for a license shall be submitted to the board to lawfully practice as a barber. If the fee is not submitted to the board within two (2) years of notification from the board of passing scores, the applicant shall reapply to retake both portions of the examination.

(11) Barber License Posted. Upon licensure, every licensed barber shall post a current license issued by the board in front of the barber's working chair where it shall be readily seen by all patrons.

AUTHORITY: sections 328.080 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately sixteen thousand eight hundred four dollars and thirty-eight cents (\$16,804.38) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 5 - Barber Licensing

Proposed Rule - 20 CSR 2085-5.010 Licensure by Examination for Barber

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 5 - Barber Licensing

Proposed Rule - 20 CSR 2085-5.010 Licensure by Examination for a Barber

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
118	Barber Applicants (Certificate of Registration Fee @ \$20)	\$2,360
118	Barber Applicants (Practical Examination Application fee @ \$45)	\$5,310
118	Barber Applicants (Written Examination Application fee @ \$75)	\$8,850
118	Barber Applicants (notary @ \$2)	\$236
118	Applicants (postage @ \$.41)	\$48.38
Estimated Annual Cost of Compliance for the Life of the Rule		\$16,804.38

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections. The above classification estimates include students and reciprocity applicants.
2. The examination fee is paid directly to the testing service for both the written and practical examinations. There is no fee paid to the board for the issuance of a temporary permit. The temporary permit is included in the Certificate of Registration Fee.
3. Travel expenses are not included in the private entity cost associated with this fiscal note due the various geographic locations and distances of licensees and examinations sites.
4. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 5—Barber Licensing**

PROPOSED RULE

20 CSR 2085-5.020 Credit for Out-of-State Barber Training

PURPOSE: This rule establishes the requirements for obtaining a barber license when training hours have been obtained outside of Missouri.

(1) Credit for Out-of-State Barber Training.

(A) Any person who lawfully practiced or received training in another state or country who does not qualify for licensure without examination may apply to the board for licensure by examination. The board will evaluate the applicant's experience and training to determine the extent to which the applicant's training and experience satisfies current Missouri licensing requirements. Any person that receives credit for out-of-state training but still does not meet the qualifications to take the Missouri barber examination will receive notice from the board of the exact training requirements necessary to completely satisfy the state examination qualifications as set forth in Chapter 328, RSMo. The applicant for licensure under this subsection shall pay the appropriate examination and licensure fees.

1. An applicant for the Missouri barber examination, as an apprentice or a student, who has obtained training hours outside Missouri may be given credit for those training hours so long as they were received from a licensed barber school or licensed apprentice program in another state.

2. For purposes of review of an application for examination from an applicant pursuant to section 328.085.2, RSMo, an applicant's training and experience will be deemed to satisfy current Missouri licensing requirements if the training and experience is substantially the same as the training and experience requirements for barbers in section 328.080, RSMo and rule 20 CSR 2085-12.030(1)(A).

(B) Any person desiring credit for training received in another state shall submit an affidavit completed by the state licensing board or the school where the hours were completed which verifies the following: applicant name; school name and address; date of termination of training; total hours earned by the student and distribution of those hours by subject for each of the subject areas required by section 328.080 and 20 CSR 2085-12.030(1)(A), for which credit is sought. The affidavit shall be completed on a form supplied by the board and shall also contain the name and title of the person completing the form, the date completed and the state board seal, school seal or notary statement. Training completed by the applicant shall be recognized by the board for a period of no more than five (5) years from the date it was received.

(C) All foreign documents or documents not in the English language must be certified by a board approved credential evaluating service.

AUTHORITY: sections 328.080.4, 328.085.2 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one hundred thirty-six dollars and twenty-three cents (\$136.23) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 5 - Barber Licensing
Proposed Rule - 20 CSR 2085-5.020 Credit for Out-of-State Barber Training**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 5 - Barber Licensing

Proposed Rule - 20 CSR 2085-5.020 Credit for Out-of-State Training

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
3	Barber Applicants (Out-of-State Training Affidavit @ \$10)	\$135
3	Applicants (postage @ \$.41)	\$1.23

Estimated Annual Cost of Compliance for the Life of the Rule **\$136.23**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 5—Barber Licensing**

PROPOSED RULE

20 CSR 2085-5.030 Reciprocity

PURPOSE: This rule establishes the requirements for obtaining barber licensure by reciprocity.

(1) Application for licensure by reciprocity shall be made on the forms provided by the board. Applications may be obtained by writing the board at PO Box 1062, Jefferson City, MO 65102. The telephone number is (573) 751-0805 or toll free number is (866) 762-9432 and TDD number is (800) 735-2966.

(2) An applicant with a current license to engage in the practice of barbering from another state or territory which has requirements equal to or greater than those in Missouri at the time the applicant was licensed or who has lawfully practiced barbering in another state for at least two (2) years, may be granted licensure in Missouri without examination provided the applicant submits evidence acceptable to the board.

(3) For purposes of this rule, "evidence acceptable to the board" shall include, but not be limited, to the following:

(A) Completed application on a form provided by the board;

(B) Verification on a form provided by the board, to be completed by the out-of-state licensing agency, verifying the barber training completed by the applicant and that the applicant is licensed as a barber in that state and that the license is current and in good standing;

(C) Pursuant to section 328.080, RSMo, a medical examination report on a form provided by the board which must be completed and signed by a licensed medical doctor (M.D.) or doctor of osteopathy (D.O.); and

(D) Applicable fee.

(4) Applicants who do not meet the requirements for licensure by reciprocity shall be notified by the board regarding deficiencies and shall be informed of the action necessary to qualify for examination.

(5) If an applicant is required to take any portion of the examination, the applicant shall comply with the applicable provisions of 20 CSR 2085-5.010.

(6) Upon notification from the board of an approved application for licensure by reciprocity, the applicable fee for the issuance of a Missouri barber license shall be submitted to the board.

(7) Any person who does not meet the qualifications for licensure by reciprocity shall be required to meet all of Missouri's requirements for licensure as set forth in Chapter 328, RSMo, and the rules of the board including, but not limited to, all training and examination requirements. However, upon request by the applicant, the board may waive the examination required by section 328.080.2, RSMo, for any applicant who has previously taken the examination presently administered in Missouri, or its equivalent, and obtained a passing score as defined by the rules of this board. Such applicant shall submit to the board a written request to waive the examination requirement by examination score endorsement and pay the examination score endorsement fee.

AUTHORITY: sections 328.080 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty-five thousand five hundred sixty-nine dollars (\$25,569) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately four thousand ninety-one dollars and fifty-eight cents (\$4,091.58) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 5 - Barber Licensing
Proposed Rule - 20 CSR 2085-5.030 Reciprocity

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$25,569

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 2%	Enforcement - 0%
Personal Service	\$7,279	\$0
Expense & Equipment	\$3,583	\$0
Transfers	\$14,706	\$0
TOTAL	\$25,569	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 5 - Barber Licensing

Proposed Rule - 20 CSR 2085-5.030 Reciprocity

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
38	Barber Reciprocity Applicants (Reciprocity Fee @ \$100)	\$3,800
2	Barber Reciprocity Applicants (Exam Score Endorsement Fee @ \$100)	\$200
38	Applicants (notary \$2.00)	\$76.00
38	Applicants (postage @ \$.41)	\$15.58

Estimated Annual Cost of Compliance for the Life of the Rule **\$4,091.58**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
1. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 5—Barber Licensing**

PROPOSED RULE

20 CSR 2085-5.040 Barber Renewal and Inactive License Requirements

PURPOSE: This rule establishes renewal and inactive licensure requirements.

(1) As used in this rule, the following terms shall mean:

(A) License—shall include certificate or registration and the term licensee shall include registrant.

(B) Inactive Licensee—A currently licensed barber who has signed an affidavit that he/she is not practicing as a barber in Missouri.

(2) Renewals. Every two (2) years (biennially) the renewal application for active licensees must be completed, signed, accompanied by the appropriate renewal fee, and returned to the board office prior to the expiration date of the license. All licenses shall expire on September 30 of each odd-numbered year. Any application post-marked after September 30 will be returned and the applicant will be required to reinstate.

(A) Any barber whose license has expired who wishes to restore the license shall make application to the board by submitting the following within two (2) years of the license renewal date:

1. An application for renewal of licensure; and

2. The current renewal fee and the reinstatement fee, as set forth in 20 CSR 2085-3.010.

(B) Failure of a licensee to receive the notice and application to renew his/her license shall not excuse him/her from the requirements of sections 328.110, RSMo, to renew that license. A license, which has not been renewed prior to the renewal date, or placed on inactive status, shall expire on the renewal date.

(C) Any licensee who fails to renew shall not perform or offer to perform any act for which a license is required.

(3) Any licensed barber whose license has expired more than two (2) years may reinstate that license as set forth in section 328.110, RSMo, and 20 CSR 2085-5.050.

(4) Inactive License—A barber may choose to place his/her license on an inactive status by signing a change in licensure status affidavit stating that he/she will not practice as a barber in Missouri and submitting that application to the board office along with the inactive license fee. An inactive license will be issued to individuals requesting inactive status. All inactive licenses shall expire on September 30 of each odd-numbered year. Licensees shall renew an inactive license prior to the expiration date and pay the inactive license fee.

(A) If an inactive barber decides to again practice as a barber, he/she must complete a reactivation application and submit it along with the current renewal fee for active licensees.

(B) An inactive barber is not eligible to practice in Missouri and will be subject to disciplinary action if he/she practices or offers to practice in Missouri.

AUTHORITY: sections 620.150, RSMo 2000 and 328.110 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately fifty-nine thousand six hundred sixty dollars (\$59,660) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with infla-

tion and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one hundred fifty-six thousand three hundred seventy-two dollars and eighty-three cents (\$156,372.83) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 5 - Barber Licensing

Proposed Rule - 20 CSR 2085-5.040 Barber Renewal and Inactive License Requirements

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$59,660

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 4%	Enforcement - 1%
Personal Service	\$14,558	\$2,426
Expense & Equipment	\$7,166	\$1,194
Transfers	\$29,413	\$4,902
TOTAL	\$51,138	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 5 - Barber Licensing

Proposed Rule - 20 CSR 2085-5.040 Barber Renewal and Inactive License Renewal

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
2729	Barbers (Renewal fee @ \$30)	\$81,870
1337	Establishments (Renewal fee @ \$50)	\$66,850
44	Instructors (Renewal fee @ \$30)	\$1,320
7	Schools (Renewal fee @ \$500)	\$3,500
45	Barbers (Inactive License @ \$25)	\$1,125
1	Barbers (Military Renewal Fee @ \$1)	\$1
4163	Licensees (Postage @ \$.41)	\$1,706.83

**Estimated Biennial Cost of
Compliance for the Life of the Rule** **\$156,372.83**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 5—Barber Licensing**

PROPOSED RULE

20 CSR 2085-5.050 Reinstatement of Expired Barber Licenses

PURPOSE: This rule establishes the requirements for reinstatement of an expired barber license.

(1) The holder of an expired license to practice barbering may submit an application to the board to reinstate that license within two (2) years of the date the license expired. The application shall be on a form supplied by the board and shall be accompanied by the license renewal fee plus the reinstatement fee.

(2) Examination Required. Any person who has allowed his/her license to practice barbering to expire for a period of more than two (2) years but less than five (5) years may submit an application to the board to reinstate that license by examination. The examination shall consist of the practical portion of the licensure examination. The application shall be properly completed on a form supplied by the board and shall include or be accompanied by:

- (A) The individual's license number, if known;
- (B) The examination fee;
- (C) Two (2) United States passport photographs measuring approximately two inches by two inches (2" × 2") which have been taken within the last five (5) years; and
- (D) Other information as the board may require.

(3) Any person who has allowed his/her license to practice barbering to expire for a period of more than five (5) years may submit an application to the board to reinstate that license by examination. However, applicants for reinstatement must pass both portions of the barber licensure examination. Applicants for reinstatement by examination pursuant to this subsection shall be governed by 20 CSR 2085-5.010.

AUTHORITY: sections 328.110.2 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty-one thousand three hundred seven dollars (\$21,307) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately twenty-one thousand eighty hundred fifty dollars and ninety-five cents (\$21,850.95) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 5 - Barber Licensing
Proposed Rule - 20 CSR 2085-5.050 Reinstatement of Expired Barber Licenses**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$21,307

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 1%
Personal Service	\$3,640	\$2,426
Expense & Equipment	\$1,792	\$1,194
Transfers	\$7,353	\$4,902
TOTAL	\$12,784	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 5 - Barber Licensing

Proposed Rule - 20 CSR 2085-5.050 Reinstatement of Expired License

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
208	Barbers (Reinstatement Fee @ \$60)	\$12,480
86	Establishments (Reinstatement fee @ \$100)	\$8,600
1	Instructors (Reinstatement fee @ \$60)	\$60
295	Licenseses (Notary @ \$2)	\$590
295	Licenseses (Postage for Renewal Applications @ \$.41)	\$120.95
Estimated Annual Cost of Compliance for the Life of the Rule		\$21,850.95

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 6—Barber Instructors**

PROPOSED RULE

20 CSR 2085-6.010 Licensure of Barber Instructors

PURPOSE: This rule establishes requirements for obtaining an instructor license by examination.

(1) An applicant for an instructor license by examination shall first hold a current Missouri barber license.

(2) Application for an instructor licensure by examination shall be made on the forms provided by the board. Applications may be obtained by writing or calling the board. The mailing address is: PO Box 1062, Jefferson City, MO 65102 and the telephone number is (573) 751-0805 or toll free number is (866) 762-9432. The TDD number is (800) 735-2966.

(3) In order to be scheduled for examination, the Application for Examination/Temporary Permit Form must be received in the board office no less than fourteen (14) working days prior to the first date of each scheduled examination. Applications received after the cut-off date and all applications received after every available space for the examination has been filled, whether that application was received prior to or after this cut-off date, shall be scheduled for the next regularly scheduled examination. The Examination Scheduling Request Form, along with the examination fee, must be submitted to the test administrator's office. Applicants shall comply with all rules of the test administrator.

(4) Temporary Permit. An individual who has applied to take the state examination may, at the same time, apply for a temporary permit to practice as an instructor. Individuals operating under a temporary permit shall be under the supervision of a barber instructor currently licensed by the board. A temporary permit will be terminated if the instructor applicant fails to pass an examination or fails to appear for a scheduled examination. Thereafter, the person may practice as a licensed barber instructor in Missouri only after passing a state examination and receiving a license. A temporary permit shall not be extended for any individual.

(5) The examination may be administered by the board or its designee in three (3) portions; one (1) written, one (1) practical, and one (1) presentation of a lesson plan. The board may contract with a third party for testing/examination services.

(6) Failure of any portion of the examination will require the applicant to reapply to retake the examination. An applicant shall be required to retake only the portion(s) of the examination that was failed.

(7) Upon notification from the board of passing scores on all three (3) portions of examination for licensure as an instructor, the applicable fee for an instructor license must be submitted to the board within two (2) years of the passing examination date or applicant shall reapply to the board for reexamination of all three (3) portions of the examination.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one thousand one hundred thirty-nine dollars and twenty-eight cents (\$1,139.28) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

AUTHORITY: sections 328.090 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 6 - Barber Instructors
Proposed Rule - 20 CSR 2085-6.010 Licensure of Barber Instructors**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2-- Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3-- Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4-- Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 6 - Barber Instructors

Proposed Rule - 20 CSR 2085-6.010 Licensure of Barber Instructors

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
8	Barber Instructors (Certificate of Registration Fee @ \$20)	\$160
8	Barber Instructor (practical examination application fee @ \$45)	\$360
8	Barber Instructor (written examination application fee @ \$75)	\$600
8	Applicants (Notary @ \$2)	\$16
8	Applicants (postage @ \$.41)	\$3.28
Estimated Annual Cost of Compliance for the Life of the Rule		\$1,139.28

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The examination fee is paid directly to the testing service for both the written and practical examinations. There is no fee paid to the board for the issuance of a temporary permit. The temporary permit is included in the fee for student enrollment.
3. Travel expenses are not included in the private entity cost associated with this fiscal note due the various geographic locations and distances of licensees and examinations sites.
4. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

Chapter 7—Cosmetology Licensing

PROPOSED RULE

**20 CSR 2085-7.010 Qualifications for State Cosmetology
Examinations**

PURPOSE: This rule establishes qualifications and requirements for the state cosmetology examination.

(1) Qualifications for State Exam.

(A) No person shall be admitted to take a state examination except upon a satisfactory showing that training requirements have been completed.

(B) No training received in a school may be credited towards the fulfillment of the hours necessary in an apprenticeship program and no training received in a beauty cosmetology establishment may be credited towards the hours necessary in a school to meet the minimum requirements necessary to qualify for a state examination.

(C) For the purpose of meeting the minimum requirements for examination, training hours completed by a student or apprentice shall only be recognized by the board for a period of five (5) years from the date the board issues the relevant student or apprentice license to the person.

(D) In order to be scheduled for examination, all training hours must be completed and a properly completed application on a form supplied by the board must be received by the board within five (5) years from the date the board issued his/her student or apprentice license. The Application for Examination/Temporary Permit Form must be received in the board office no less than fourteen (14) days prior to the date of the scheduled examination the applicant desires to take. Applications received after this cut-off date and all applications received after every available space for the examination has been filled, whether that application was received prior to or after this cut-off date, shall be scheduled for the next regularly scheduled examination. The Examination Scheduling Request Form, along with the examination fee, must be submitted to the test administrator's office.

(E) The minimum passing examination scores required for licensure as an operator are seventy-five (75) for the practical examination and seventy-five (75) for the written examination.

(2) Temporary Permit. An individual who has been approved to take the state examination may, at the same time, apply for a temporary permit to practice cosmetology in the specific classification for which the individual has applied for licensure. An individual operating under a temporary permit shall be under the supervision of a person currently licensed by the board in the specific classification of cosmetology in the specific classification of the temporary permit. A temporary permit issued to a student or apprentice pursuant to section 329.060, RSMo, will be terminated if the student or apprentice fails to pass an examination or fails to appear for a scheduled examination. Thereafter, the person may practice any of the classified occupations of cosmetology in Missouri only after passing a state examination and receiving a license. An additional temporary permit shall not be issued to any individual.

(3) Failure of State Exam.

(A) Any person desiring to retake an examination for any reason will be required to submit a Re-Examination Scheduling Request Form, along with the appropriate fee to the test administrator's office before being scheduled for the examination.

(B) Any person that fails any portion of the cosmetology examina-

tion three (3) times shall be required to obtain additional training of not less than forty (40) hours in each of those subjects failed, not to exceed one hundred sixty (160) hours total. The additional training shall be certified by any school of cosmetology licensed by this board. After additional training has been obtained, any person desiring to retake the examination will be required to submit a Re-Examination Notification Form to the board office. The regular examination fee, along with an Examination Scheduling Request Form, must be submitted to the test administrator's office before being scheduled for the examination. Any apprentice that desires to retake the cosmetology licensure examination shall comply with the requirements pursuant to 20 CSR 2085-7.010(3)(B).

(C) Any apprentice that fails any portion of the cosmetology examination three (3) times shall be required to obtain additional training of not less than eighty (80) hours in each of those subjects failed, not to exceed three hundred twenty (320) hours total. The additional training shall be certified by an apprentice supervisor licensed by this board. After additional training has been obtained, any person desiring to retake the examination will be required to submit a Re-Examination Notification Form to the board office. The regular examination fee, along with an Examination Scheduling Request Form, must be submitted to the test administrator's office before being scheduled for the examination. Any apprentice that desires to retake the cosmetology licensure examination shall comply with the requirements of 20 CSR 2085-7.010(3)(B).

(4) Credit for Out-of-State or Out-of-Country Training.

(A) Any person who lawfully practiced or received training in another state or country who does not qualify for licensure without examination may apply to the board for licensure by examination. The board will evaluate the applicant's experience and training to determine the extent to which the applicant's training and experience satisfies current Missouri licensing requirements. Any person that receives credit for out-of-state training or out-of-country training but still does not meet the qualifications to take the Missouri cosmetology examination will receive notice from the board of the exact training requirements necessary to completely satisfy the state examination qualifications as set forth in Chapter 329, RSMo. The applicant for licensure under this subsection shall pay the appropriate examination and licensure fees.

1. An applicant for the Missouri cosmetology examination, as an apprentice or a student, who has obtained training hours outside Missouri, may be given credit for those training hours so long as they were received from a licensed school of cosmetology or licensed apprentice program in the other state or country.

2. For purposes of review of an application for examination from an applicant pursuant to section 329.050.2, RSMo, a school of cosmetology or an apprentice program in another state or territory of the United States, province or country shall be considered to have substantially the same requirements as an educational establishment licensed pursuant to Chapter 329, RSMo, if the board is satisfied that it has substantially the same requirements as set forth in section 329.040.3-7, RSMo, and rule 20 CSR 2085-12.050(1)(A).

(B) Any person desiring credit for training received in another state shall submit an affidavit completed by the state licensing board or the school where the hours were completed which verifies the following: applicant name; school name and address; date of termination of training; total hours earned by the student and distribution of those hours by subject for each of the subject areas required by section 329.040, RSMo or 20 CSR 2085-12.050(1)(A), for which credit is sought. The affidavit shall be completed on a form supplied by the board and shall also contain the name and title of the person completing the form, the date completed and the state board seal, school seal or notary statement. Training completed by the applicant shall be recognized by the board for a period of no more than five (5) years from the date it was received.

(C) All foreign documents or documents not in the English language must be certified by a board approved credential evaluating service.

AUTHORITY: sections 329.025.1, 329.050, 329.060 and 329.130.2, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately five hundred ninety-six thousand three hundred ninety dollars and seventy-three cents (\$596,390.73) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 7 - Cosmetology Licensing
Proposed Rule - 20 CSR 2085-7.010 Qualifications for State Cosmetology Examinations**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure -- 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2085 - State Board of Cosmetology and Barber Examiners****Chapter 7 - Cosmetology Licensing****Proposed Rule - 20 CSR 2085-7.010 Qualifications of State Cosmetology Examinations**

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
4933	Cosmetology Applicants (practical examination application fee @ \$45)	\$221,985
4933	Cosmetology Applicants (written examination application fee @ \$75)	\$369,975
20	Cosmetology Applicants (foreign cosmetology training certification @ \$120)	\$2,400
4953	Applicants (postage @ \$.41)	\$2,030.73
Estimated Annual Cost of Compliance for the Life of the Rule		\$596,390.73

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The examination fee is paid directly to the testing service for both the written and practical examinations. There is no fee paid to the board for the issuance of a temporary permit. The temporary permit is included in the fee for student enrollment.
3. Travel expenses are not included in the private entity cost associated with this fiscal note due the various geographic locations and distances of licensees and examinations sites.
4. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 7—Cosmetology Licensing**

PROPOSED RULE

**20 CSR 2085-7.020 Practice Outside of or Away from
Cosmetology Establishments**

PURPOSE: This rule establishes the licensing procedure and requirements for the practice of a licensee practicing one of the classified occupations of cosmetology, hairdressing, manicuring or esthetics outside or away from his/her principal office, place of business or employment as authorized under section 329.110.2, RSMo.

(1) As used in this rule, the following terms shall mean:

(A) Licensed cosmetology establishment means a bona fide principal office or place of business or employment, licensed by the board, which is regularly operated for the purpose of engaging in the practice of cosmetology; and

(B) Principal establishment means the location or establishment where the licensee practices as a cosmetologist fifty-one percent (51%) of the total hours per week spent by the licensee practicing cosmetology.

(2) A cosmetologist shall only provide cosmetology services in a licensed cosmetology establishment. However, a licensed cosmetologist may periodically provide cosmetology services outside of or away from a licensed cosmetology establishment, provided that, the alternate location is not the licensee's principal establishment, as defined by this rule, and the license complies with 20 CSR 2085-7.020(3) and (4).

(3) Certificate of Identification.

(A) Requirement. Each and every time a licensee provides cosmetology services to any person outside a licensed cosmetology establishment, the licensee must deliver a completed certificate of identification to the person receiving the cosmetology services. The licensee shall deliver the completed certificate of identification prior to performing any cosmetology services.

1. Every certificate of identification shall include the following information:

- A. The licensee's name;
- B. The licensee's signature;
- C. The licensee's operator license number;
- D. The expiration date of licensee's operator license;
- E. The name and post office address of the person receiving the cosmetology services; and

F. The date the licensee delivered the certificate of identification to the person receiving the cosmetology services.

2. Any licensee may obtain a certificate of identification form from the board free of charge. A licensee may obtain this certificate of identification form upon written request to the board office. Licensees may reproduce the certificate of identification form as needed.

(B) Use of Certification of Identification. Licensees may use certificates of identification to provide only those cosmetology services that the licensee is licensed and trained to perform. All licensees performing services outside a licensed cosmetology establishment with a certificate of identification must comply with all relevant sanitation regulations governing the practice of cosmetology.

(4) Portable Kit Requirements.

(A) All supplies and implements shall be transported in an airtight container and all implements, towels and instruments shall be steril-

ized and wrapped or stored in individual plastic containers. All kits shall be kept clean.

(B) Sterilized implements, towels and instruments shall be kept completely separate and apart from used materials.

AUTHORITY: sections 329.025.1, 329.035 and 329.110.2, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 7 - Cosmetology Licensing

Proposed Rule - 20 CSR 2085-7.020 Practice Outside or Away from Cosmetology Establishments

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 7—Cosmetology Licensing**

PROPOSED RULE

20 CSR 2085-7.030 Reciprocity and Out-of-State Training for Cosmetology

PURPOSE: This rule establishes the licensing procedure and requirements for reciprocal licensing for out-of-state applicants for cosmetology as authorized in section 329.130, RSMo.

(1) Reciprocity for Cosmetology Operators. Upon making application to the board, the board shall issue a Missouri certificate of registration or license without an examination to a person who has practiced cosmetology for at least two (2) consecutive years in another state, territory of the United States, or the District of Columbia. The board shall also issue a Missouri certificate of registration or license without an examination to a person who holds a current cosmetology license in another state, territory of the United States, or the District of Columbia, provided the requirements for licensure, including but not limited to the training and examination requirements therein, are substantially equal or superior to those in Missouri at the time of application. A “substantially equal” number of training hours is ninety-five percent (95%) or more of the training hours required in Missouri for any given classification. The application shall be properly completed on a form supplied by the board and shall be accompanied by the following:

(A) An affidavit completed by the state licensing agency verifying the type of license held by the applicant in that state;

(B) Two (2) United States passport photographs measuring two inches by two inches (2" × 2") taken within the last five (5) years; and

(C) The cosmetology reciprocity fee.

(2) Reciprocity for Cosmetology Instructors. Upon making application to the board, the board shall issue a Missouri cosmetology instructor's license to an individual who holds a current cosmetology instructor license in another state, territory of the United States, or District of Columbia, provided the requirements for licensure, including but not limited to the training and examination requirements, are substantially equal or superior to those in force in Missouri at the time the individual files the application. A “substantially equal” number of training hours is ninety-five percent (95%) or more of the training hours required in Missouri for the cosmetology instructor license requested. The application shall be properly completed on a form supplied by the board and shall be accompanied by the following:

(A) An affidavit completed by the state licensing agency verifying that the applicant is licensed as an instructor in that state;

(B) Two (2) United States passport photographs measuring two inches by two inches (2" × 2") taken within the last five (5) years; and

(C) The instructor reciprocity fee.

(3) Any reciprocity applicant requesting licensure will be required to complete an open book state law test, which will be included with the reciprocity application.

(4) Any person who does not meet the qualifications for licensure by reciprocity shall be required to meet all of Missouri's requirements for licensure as set forth in Chapter 329, RSMo, including, but not limited to, all training and examination requirements. However, upon request by the applicant, the board may waive the examination

required by section 329.050.1(4), RSMo for any applicant who has previously taken the examination presently administered in Missouri, or its equivalent, and, obtained a passing score as defined by the rules of this board. Such applicant shall submit to the board a written request to waive the examination requirement by examination score endorsement and pay the examination score endorsement fee.

AUTHORITY: sections 329.080.3, RSMo 2000 and 329.025.1, 329.085.5 and 329.130, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately forty-four thousand two hundred seventy-two dollars and fifty-two cents (\$44,278.52) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 7 - Cosmetology Licensing

Proposed Rule - 20 CSR 2085-7.030 Reciprocity and Out-of-State Training for Cosmetology

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 7 - Cosmetology Licensing

Proposed Rule - 20 CSR 2085-7.030 Reciprocity and Out-of-State Training

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
572	Cosmetology Applicants (Reciprocity Applicants @ \$100)	\$28,600
572	Cosmetology Applicants (Verification Out of State @ \$25)	\$14,300.00
572	Cosmetology Applicants (Notary \$2.00)	\$1,144.00
572	Cosmetology Applicants (postage @ \$.41)	\$234.52

Estimated Annual Cost of Compliance for the Life of the Rule **\$44,278.52**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board requires licensees pay \$25 to have certification/affidavits completed and mailed to other boards. Since the cost of having affidavits completed by other states may vary, for the purpose of this fiscal note, the board is estimating applicants will pay an average of \$25 for completion of the affidavit by another state board.
3. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 7—Cosmetology Licensing**

PROPOSED RULE

20 CSR 2085-7.040 Cosmetologist Renewal and Inactive Status Requirements

PURPOSE: This rule establishes renewal and inactive licensure requirements.

(1) As used in this rule, the following terms shall mean:

(A) License—shall include certificate of registration and the term licensee shall include registrant; and

(B) Inactive license—a currently licensed “Class CA,” “Class CH,” “Class MO,” or “Class E” cosmetologist who has signed an affidavit that he/she is not practicing cosmetology in Missouri.

(2) Renewals. Every two (2) years (biennially) the renewal application for active licensees must be completed, signed, accompanied by the appropriate renewal fee, and returned to the board office prior to the expiration date of the license. All licenses shall expire on September 30 of each odd-numbered year. Any application post-marked after September 30 will be returned and the applicant will be required to reinstate.

(A) Any cosmetologist whose license has expired who wishes to restore the license shall make application to the board by submitting the following within two (2) years of the license renewal date:

1. Reinstatement application for renewal of licensure; and
2. The current renewal fee and the late fee, as set forth in 20 CSR 2085-7.050.

(B) Failure of a licensee to receive the notice and application to renew his/her license shall not excuse him/her from the requirements of section 329.120, RSMo to renew that license. A license, which has not been renewed prior to the renewal date, or placed on inactive status, shall expire on the renewal date.

(C) Any licensee who fails to renew shall not perform or offer to perform any act for which a license is required.

(3) Inactive License—A cosmetologist may choose to place his/her license on an inactive status by signing a change in licensure status affidavit stating that he/she will not engage in the practice of cosmetology in Missouri and submitting that application to the board office along with the inactive license fee. An inactive license will be issued to individuals requesting inactive status. All inactive licenses shall expire on September 30 of each odd-numbered year.

(A) If an inactive cosmetologist decides to again practice cosmetology, he/she must complete a reactivation application form and submit it along with the current renewal fee.

(B) An inactive cosmetologist is not eligible to practice in Missouri and will be subject to disciplinary action if he/she practices or offers to practice in Missouri.

(4) Anyone licensed in the classified occupations of cosmetology whose license has expired more than two (2) years may reinstate that license as set forth in section 329.120, RSMo, and 20 CSR 2085-7.050.

AUTHORITY: sections 620.150, RSMo 2000 and 329.025.1 and 329.120, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately forty-six thousand eight hundred seventy-six dollars (\$46,876) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

ipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately \$2,342,760 annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 7 - Cosmetology Licensing
Proposed Rule - 20 CSR 2085-7.040 Cosmetologist Renewal and Inactive Status Requirements

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$46,876

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 3%	Enforcement – 1%
Personal Service	\$10,919	\$2,426
Expense & Equipment	\$5,375	\$1,194
Transfers	\$22,060	\$4,902
TOTAL	\$38,353	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 7 - Cosmetology Licensing
Proposed Rule - 20 CSR 2085-7.040 Cosmetologist Renewal and Inactive Status Requirements
Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
41520	Cosmetologists (Operator Renewal fee @ \$30)	\$2,076,000
5928	Cosmetologists (Operator Inactive License @ \$25)	\$266,760
47448	Licensees (Postage @ \$.41)	\$19,454
Estimated Biennial Cost of Compliance for the Life of the Rule		\$2,342,760

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 7—Cosmetology Licensing**

PROPOSED RULE

20 CSR 2085-7.050 Reinstatement of Expired License

PURPOSE: This rule establishes requirements for reinstatement of an expired license.

(1) The holder of an expired license to practice any of the classified occupations of cosmetology may submit an application to the board to reinstate that license within two (2) years of the date the license expired. The application shall be on a form supplied by the board and shall be accompanied by the license renewal fee plus the late fee.

(2) Examination Required.

(A) Any person who has allowed his/her license to practice any of the classified occupations of cosmetology to expire for a period of more than two (2) years may submit an application to the board to reinstate that license by examination. The examination shall consist of the practical portion of the licensure examination. The application shall be properly completed on a form supplied by the board and shall include or be accompanied by the individual's license number, the license renewal fee and the late fee, two (2) United States passport photographs measuring approximately two inches by two inches (2" × 2") which have been taken within the last five (5) years and other information as the board may require.

(B) In order to be scheduled for examination to reinstate an expired license, the properly completed application must be received by the board along with the required fees no fewer than fourteen (14) days prior to the date of the scheduled examination the applicant desires to take. Applications received after this cut-off date and all applications received after every available space for the examination has been filled, whether that application was received prior to or after this cut-off date, shall be scheduled for the next regularly scheduled examination.

AUTHORITY: sections 329.025.1 and 329.120, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty-one thousand three hundred seven dollars (\$21,307) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately ninety-five thousand five hundred ninety-five dollars and eighty-four cents (\$95,595.84) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 7 - Cosmetology Licensing
Proposed Rule - 20 CSR 2085-7.050 Reinstatement of Expired License

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$21,307

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement – 1%
Personal Service	\$3,640	\$2,426
Expense & Equipment	\$1,792	\$1,194
Transfers	\$7,353	\$4,902
TOTAL	\$12,784	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 7 - Cosmetology Licensing

Proposed Rule - 20 CSR 2085-7.050 Reinstatement of Expired License

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
1824	Cosmetologist (Operator Reinstatement Fee @ \$60)	\$91,200
1824	Cosmetologist (Notary @ \$2)	\$3,648
1824	Licensees (Postage for Renewal Applications @ \$.41)	\$747.84
Estimated Annual Cost of Compliance for the Life of the Rule		\$95,595.84

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 8—Cosmetology Instructors and Instructor
Trainees**

PROPOSED RULE

20 CSR 2085-8.010 Registration of Instructor Trainees

PURPOSE: This rule establishes the requirements an applicant shall meet to qualify for an instructor training program.

(1) Any person desiring to enroll as an instructor trainee shall contact the school of intended enrollment and complete an instructor trainee enrollment form supplied by the board. At least two (2) weeks prior to the anticipated commencement of the instructor trainee's program of instruction, the properly completed form shall be submitted by the school to the board and shall include or be accompanied by the following:

(A) Proof of successful completion of a twelfth grade education (diploma or General Educational Development (GED) certificate);

(B) A sworn statement by the applicant that he/she is in good physical and mental health;

(C) Two (2) United States passport photographs measuring two inches by two inches (2" × 2") that have been taken within the last five (5) years and the enrollment fee.

(2) No person shall be given credit for any training received in a school until a properly completed instructor trainee enrollment form has been received and approved by the board and an instructor trainee license is returned to the school. The applicant shall only be eligible for an instructor trainee license for the classified occupation(s) of cosmetology for which the applicant is currently licensed as an operator. If the enrollment school is not licensed to teach and instruct in all classified occupations of the trainee, the instructor trainee shall be limited to the instructor license classification of the school. The instructor trainee license shall expire on the expiration date.

(3) For the purpose of meeting the minimum requirements for examination, training completed within a school of cosmetology by an instructor trainee shall be recognized by the board for a period of no more than five (5) years from the date it is received.

(4) Change of Status. For any instructor trainee desiring to make a change to his/her original enrollment application, continue training at the time application is made for examination or continue training beyond the expiration of the instructor trainee license, an application for change of status shall be made to the board on a form supplied by the board. The form shall be accompanied by the instructor trainee license and the enrollment fee and shall be postmarked no later than three (3) days from the effective date of the change of status. The change of status application shall include an interim certificate which shall be good for twenty (20) days from the date of application and shall be retained by the school to serve as the training license for the instructor trainee until the amended license is received from the board.

(5) Any instructor trainee applicant requesting credit for college courses in teaching methodology must submit to the board a certified transcript together with a course description certified by the administering education institution that shows the college course was primarily directed to teaching methodology. Four and one-half (4 1/2) college credit hours in teaching methodology may be substituted for three hundred (300) hours of training (one hundred (100) hours for

each three (3) college credit hour course). The three hundred (300) hours will be partially reduced in proportion to college credit hours in teaching methodology of less than four and one-half (4 1/2) hours.

(6) Any instructor trainee applicant requesting credit for full-time work experience as a licensed Class CA, Class CH, Class MO or Class E shall submit to the board an affidavit of work experience completed by each employer on a form supplied by the board. Three (3) years of experience may be substituted for three hundred (300) hours of training. The three hundred (300) hours will be proportionately reduced for experience greater than six (6) months but less than three (3) years.

(7) After completing six hundred (600) hours of instructor training and successfully passing the instructor examination, an instructor may teach any of the classifications of cosmetology provided he/she possesses a current operator and instructor license in the appropriate classification(s) for which he/she desires to teach.

AUTHORITY: sections 329.080, RSMo 2000 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one thousand nine hundred eighteen dollars and seventy cents (\$1,918.70) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 8 Cosmetology Instructors and Instructor Trainees
Proposed Rule - 20 CSR 2085-8.010 Registration of Instructor Trainees**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 8 - Cosmetology Instructors and Instructor Trainees

Proposed Rule - 20 CSR 2085-8.010 Registration of Instructor Trainees

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
70	Instructor Trainee Applicants (Registration Application Fee @ \$25)	\$1,750
70	Instructor Trainee Applicants (Notary \$2.00)	\$140.00
70	Instructor Trainee Applicants (Postage @ \$.41)	\$28.70

Estimated Annual Cost of Compliance for the Life of the Rule **\$1,918.70**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 8—Cosmetology Instructors and Instructor
Trainees**

PROPOSED RULE

20 CSR 2085-8.020 Minimum/Maximum Hours Accepted

PURPOSE: This rule establishes the maximum and minimum daily course hours accepted for instructor trainees.

(1) All instructor trainees shall be enrolled in a course of study of no less than three (3) hours per day and no more than twelve (12) hours per day, with a weekly total that is not less than fifteen (15) hours and no more than seventy-two (72) hours per week.

(2) Each school or public institution shall define for its own purpose what constitutes a full-time, part-time or evening instructor trainee.

AUTHORITY: sections 329.080, RSMo 2000 and 329.025.1 and 329.040, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eight thousand five hundred twenty-three dollars (\$8,523) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 8 Cosmetology Instructors and Instructor Trainees
Proposed Rule - 20 CSR 2085-8.020 Minimum/Maximum Hours Accepted

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$8,523

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries.
- 2) Expense and equipment costs are incurred for board expenses relating to responding to written correspondence.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement - 1%
Personal Service	\$0	\$2,426
Expense & Equipment	\$0	\$1,194
Transfers	\$0	\$4,902
TOTAL	\$0	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 8—Cosmetology Instructors and Instructor
Trainees**

PROPOSED RULE

20 CSR 2085-8.030 Qualifications for Instructor Examination

PURPOSE: This rule establishes the requirements an applicant shall meet in order to take the written and oral part of the examination.

(1) Because state law requires an instructor trainee to have completed a minimum of six hundred (600) hours of instructor training before he/she will be allowed to take the examination, no instructor trainee will be scheduled to take the examination, except upon satisfactorily showing that the training requirements have been completed or that the person has been licensed three (3) or more years as a cosmetologist, manicurist or esthetician. Instructor trainees who have been licensed three (3) or more years as a cosmetologist, manicurist or esthetician that choose to complete additional instructor training may substitute three (3) years of experience for three hundred (300) hours of instructor training.

(2) For purposes of meeting the minimum standards necessary to sit for the examination, training completed by an instructor trainee shall be recognized by the board for a period of no more than five (5) years from the date it is received.

(3) In order to be scheduled for the instructor examination, a properly completed application must be received by the board no less than fourteen (14) days prior to the date of the scheduled examination the applicant desires to take. Applications received after this cut-off date, and all applications received after every available space for the examination has been filled, whether that application was received prior to or after this cut-off date, shall be scheduled for the next regularly scheduled examination.

(4) Application for examination shall be made on a form provided by the board. The form shall be properly completed and shall be accompanied by the following:

- (A) A certification of payment of contractual fees completed by the school on a form supplied by the board; and
- (B) The instructor trainee license.

(5) The minimum passing examination scores required for licensure as an instructor are seventy-five (75) for the written examination and seventy-five (75) for the oral examination.

AUTHORITY: sections 329.025.1 and 329.085 and 329.090, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eight thousand five hundred twenty-three dollars (\$8,523) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately ten thousand three hundred eighteen dollars and seventy cents (\$10,318.70) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 8 Cosmetology Instructors and Instructor Trainees
Proposed Rule - 20 CSR 2085-8.030 Qualifications for Instructor Examination**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$8,523

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement - 1%
Personal Service	\$0	\$2,426
Expense & Equipment	\$0	\$1,194
Transfers	\$0	\$4,902
TOTAL	\$0	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2085 - State Board of Cosmetology and Barber Examiners****Chapter 8 - Cosmetology Instructors and Instructor Trainees****Proposed Rule - 20 CSR 2085-8.030 Qualifications for Instructor Examination**

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
70	Instructor Trainee Applicants (Enrollment Fee @ \$25)	\$1,750
70	Instructor Trainee Applicants (Practical Examination Application fee @ \$45)	\$3,150
70	Barber Applicants (Written Examination Application fee @ \$75)	\$5,250
70	Applicants (Notary \$2.00)	\$140.00
70	Applicants (Postage @ \$.41)	\$28.70

**Estimated Annual Cost of
Compliance for the Life of the Rule** **\$10,318.70**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 8—Cosmetology Instructors and Instructor
Trainees**

PROPOSED RULE

20 CSR 2085-8.040 Failure of State Examination

PURPOSE: This rule establishes requirements for re-examination pertaining to failure of state examination.

(1) An instructor trainee who fails the examination may reapply for an instructor trainee license under the procedure set forth in 20 CSR 2085-12.090(5) and return to school for further training.

(2) Any person desiring to reapply for the instructor examination shall be required to submit a Re-Examination Notification Form, and his/her instructor trainee temporary permit to the board office. The regular examination fee, along with an Examination Scheduling Request Form, must be submitted to the test administrator's office before being scheduled for examination.

(3) The temporary permit issued to an instructor trainee shall be returned to the board upon failing the examination or failing to appear for a scheduled examination. An additional permit shall not be issued to any individual and the instructor trainee may work as an instructor only after passing the state examination and receiving an instructor license.

AUTHORITY: sections 329.025.1, 329.085.1 and 329.100, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately six hundred twelve dollars and five cents (\$612.05) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 8 Cosmetology Instructors and Instructor Trainees
Proposed Rule - 20 CSR 2085-8.040 Failure of State Examination**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2085 - State Board of Cosmetology and Barber Examiners****Chapter 8 - Cosmetology Instructors and Instructor Trainees****Proposed Rule - 20 CSR 2085-8.040 Failure of State Examination**

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
5	Instructors (Practical Examination Application Fee @ \$45)	\$225
5	Instructors (Written Examination Application Fee @ \$75)	\$375
5	Instructors (notary \$2.00)	\$10.00
5	Instructors (postage @ \$.41)	\$2.05

Estimated Annual Cost of Compliance for the Life of the Rule **\$612.05**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 8—Cosmetology Instructors and Instructor
Trainees**

PROPOSED RULE

20 CSR 2085-8.050 Transfer

PURPOSE: This rule establishes the procedure necessary to transfer schools.

(1) Any instructor trainee desiring to change schools shall contact the school in which he/she is currently enrolled and request termination. The school shall terminate the instructor trainee as required by 20 CSR 2085-12.090(7) within two (2) weeks of the trainee's request to be terminated. After the proper termination papers and the instructor trainee license have been received by the board, the instructor trainee may apply for enrollment with another school approved for instructor training in accordance with 20 CSR 2085-8.010(1).

(2) For the purpose of meeting the minimum requirements for examination, training completed by an instructor trainee who has transferred between schools or has had a lapse of time between enrollments in the same school shall be recognized by the board for a period of no more than five (5) years from the date it was received.

AUTHORITY: sections 329.080, RSMo 2000 and 329.025.1 and 329.085, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 8 Cosmetology Instructors and Instructor Trainees
Proposed Rule - 20 CSR 2085-8.050 Transfer**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 8—Cosmetology Instructors and Instructor
Trainees**

in thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PROPOSED RULE

20 CSR 2085-8.060 Reinstatement of Expired Instructor License

PURPOSE: This rule establishes the requirements for recertification of instructor license.

(1) The holder of an expired instructor license may submit an application to reinstate that license to the board within two (2) years of the date the license expired. The application shall be on a form supplied by the board and shall be accompanied by the instructor license renewal fee plus the late fee and proof of having attended an instructor training seminar or workshop within two (2) years of the date of application which has been sponsored by a university, a Missouri vocational association or bona fide state cosmetology association specifically approved by the board and other information as the board may require.

(2) Any person who has allowed his/her instructor license to expire for a period of more than two (2) years may submit a Re-Examination Notification Form to the board to reinstate that license through examination. The examination shall consist of the written and oral portions. The application shall be properly completed on a form supplied by the board and shall be accompanied by:

(A) The examination fee, instructor license renewal fee and late fee;

(B) Proof of his/her attendance within two (2) years of the date of application at a teacher training seminar or workshop sponsored by a university, a Missouri vocational association or bona fide state cosmetology association specifically approved by the board;

(C) Proof of having completed at least a four (4) year high school course of study or the equivalent as determined by the Missouri State Board of Education (high school diploma or general educational development (GED) certificate); and

(D) Proof of having completed six hundred (600) hours of instructor training as set forth in 20 CSR 2085-12.090(3) and (4).

AUTHORITY: sections 329.025.1, 329.085.3, 329.085.6 and 329.120, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately five hundred sixty-one dollars and sixty-nine cents (\$561.69) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received with-

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 8 Cosmetology Instructors and Instructor Trainees
Proposed Rule - 20 CSR 2085-8.060 Reinstatement of Expired Instructor License

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 8 - Cosmetology Instructors and Instructor Trainees

Proposed Rule - 20 CSR 2085-8.060 Reinstatement of Expired Instructor License

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
9	Instructors (Reinstatement @ \$60)	\$540
9	Instructors (Notary @ \$2.00)	\$18
9	Licensees (Postage for Renewal Applications @ \$.41)	\$3.69
Estimated Biennial Cost of Compliance for the Life of the Rule		\$561.69

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and
Barber Examiners**

**Chapter 8—Cosmetology Instructors and
Instructor Trainees**

PROPOSED RULE

20 CSR 2085-8.070 Instructor Renewal and Inactive License Requirements

PURPOSE: This rule establishes requirements of the statutes pertaining to renewal of instructor license.

(1) In this section, the following terms shall mean:

(A) License—shall include certificate of registration and the term licensee shall include registrant; and

(B) Inactive license—a currently licensed “Class CA,” “Class CH,” “Class MO,” or “Class E” cosmetologist who has signed an affidavit that he/she is not practicing cosmetology in Missouri.

(2) Renewals. Every two (2) years (biennially) the renewal application for active licensees must be completed, signed, accompanied by the appropriate renewal fee, and returned to the board office prior to the expiration date of the license. The biennial instructor renewal fee shall be submitted in addition to the regular operator renewal fee.

(A) Renewal is contingent upon attending a board-approved seminar and submitting to the board proof of twelve (12) hours of attendance issued by seminar sponsors, showing the date and place of the seminar. Each licensed instructor shall be required to attend a board-approved seminar within the two (2) years immediately preceding the renewal date and shall submit evidence of attendance with the renewal application.

(B) Each instructor shall indicate on his/her instructor renewal application the school name and location where he/she is currently employed as an instructor or must state if he/she is not currently employed as an instructor.

(C) Instructors holding a Missouri license, but not teaching or residing in Missouri, may attend an approved seminar of the state in which they reside for license renewal providing the program is sponsored by a university or bona fide cosmetology association and is at least twelve (12) hours. All seminar certifications shall contain a sworn statement from that state board that the program was approved for instructor license renewal. Should the state not have continuing education requirements for instructor license renewal, then the instructor license renewal would be contingent upon attending a seminar approved by the board.

(D) Instructor licenses shall expire on September 30 of each odd-numbered year. The biennial renewal fee shall be due and payable by the expiration date and if the fee remains unpaid after that, a late fee shall be charged in addition to the renewal fee.

(E) Failure of a licensee to receive the notice and application to renew his/her license shall not excuse him/her from the requirements of section 329.120, RSMo to renew that license. A license, which has not been renewed prior to the renewal date, or placed on inactive status, shall expire on the renewal date. Any licensee who fails to renew shall not perform or offer to perform any act for which a license is required.

(3) Inactive Licenses. An instructor may choose to place his/her license on an inactive status by signing a change in licensure status affidavit stating that he/she will not engage in the practice of instructing cosmetology in Missouri and submitting that application to the board office along with the inactive license fee. An inactive license will only be issued to individuals requesting inactive status.

(A) If an inactive instructor decides to again practice cosmetology he/she must complete a reactivation application and submit it along with the current renewal fee. Each inactive instructor shall attend a board approved seminar within the two (2) years immediately preceding the reactivation date and submit evidence of attendance with the reactivation application for each activated license.

(B) An inactive instructor is not eligible to teach while holding an inactive license and will be subject to disciplinary action if he/she teaches or offers to teach in Missouri.

(4) Approval of Instructor Seminar Training.

(A) All seminar programs must be submitted by the sponsoring university or association to the board for approval prior to the first day of the calendar year in which the seminar is scheduled to be held and no later than sixty (60) days prior to the scheduled date of the seminar. Seminar programs submitted for approval must include the following information:

1. A copy of the proposed program schedule;
2. An outline of the subject matter;
3. The identity and qualifications of the speakers or instructors;

and

4. The number of hours of the presentation (minimum of twelve (12) hours required).

(B) Seminar sponsors shall be responsible for accurate attendance records and shall provide the board with an alphabetical listing of names, addresses and license numbers of those granted certificates of attendance and shall furnish evidence of attendance to the instructors showing the date and place of the seminar, signed by the sponsor secretary or chairman and shall indicate state board approved.

AUTHORITY: sections 620.150, RSMo 2000 and 329.025.1 and 329.085, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty-five thousand five hundred sixty-nine dollars (\$25,569) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately thirty-two thousand four hundred twenty-five dollars (\$32,425) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 8 Cosmetology Instructors and Instructor Trainees

Proposed Rule - 20 CSR 2085-8.070 Instructor Renewal and Inactive License Requirements

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$25,569

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure - 2%	Enforcement - 0%
Personal Service	\$7,279	\$0
Expense & Equipment	\$3,583	\$0
Transfers	\$14,706	\$0
TOTAL	\$25,569	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 8 - Cosmetology Instructors and Instructor Trainees

Proposed Rule - 20 CSR 2085-8.070 Instructor Renewal and Inactive License Requirements

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
446	Instructor (Renewal fee @ \$30)	\$22,300
225	Cosmetologists (Inactive License @ \$25)	\$10,125
671	Licensees (Postage @ \$.41)	\$275
Estimated Biennial Cost of Compliance for the Life of the Rule		\$32,425

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and
Barber Examiners**

**Chapter 8—Cosmetology Instructors and
Instructor Trainees**

PROPOSED RULE

20 CSR 2085-8.080 Credit for Out-of-State Instructor Training

PURPOSE: This rule establishes the percentage of credit given for instructor training received outside Missouri.

(1) Any person desiring to take the Missouri state instructor examination who has had part or all of his/her training outside of Missouri shall be given credit for all training that meets the requirements in section 329.080, RSMo and 20 CSR 2085-8.040(2).

(2) Any person not meeting the qualifications to take the state instructor examination although given credit for out-of-state training by the board will be given notice of the exact training requirements necessary to satisfy state instructor examination qualifications.

(3) Any person meeting the qualifications to take the state instructor examination by receiving credit for out-of-state training may apply for examination on a form supplied by the board and the application shall contain or be accompanied by the following:

(A) An affidavit completed by the state licensing board or the school in the state where the hours were completed which verifies the following: applicant name, school name and address, date of termination/graduation from the school, total hours earned by the individual and distribution of those hours by subjects as required by section 329.080, RSMo. The affidavit shall be completed on a form supplied by the Missouri State Board of Cosmetology and Barber Examiners and shall contain the name and title of the person completing the form, the date completed and the state board seal, school seal or notary statement. Training completed by the applicant shall be recognized by the board for a period of no more than five (5) years from the date it was received;

(B) A copy of high school diploma or general educational development (GED) certificate as proof of education. The applicant shall have an education equivalent to the successful completion of the twelfth grade;

(C) Two (2) United States passport photographs measuring two inches by two inches (2" × 2") which have been taken within the last five (5) years; and

(D) An affidavit completed by the applicant's school on a form supplied by the board verifying that all contractual fees have been paid by the applicant.

(4) Reciprocity. Any individual who holds a current instructor license in another state, territory or the District of Columbia where the requirements are substantially equal or superior to those in force in Missouri at the time of application may apply for an instructor license without examination in accordance with the requirements of 20 CSR 2085-7.030(2).

(5) Any individual who holds a current, valid instructor license in another state, territory, the District of Columbia or foreign country, state or province where the requirements are not substantially equal to those in force in Missouri at the time of application is not eligible to obtain a Missouri instructor license by reciprocity. A "substantially equal" number of training hours is ninety-five percent (95%) or more of the training hours required in Missouri for the cosmetology instructor license requested. The individual shall be exempt from the training requirements set forth in section 329.080, RSMo

and may apply to take the instructor licensure examination, provided he/she can provide to the board proof of work experience of not less than one (1) year as a cosmetology instructor within the three (3)-year period immediately preceding the application for examination. The examination shall consist of the written and oral portions of the examination and application shall be made on a form provided by the board and shall be accompanied by the following:

(A) An affidavit completed by the licensing agency verifying the instructor training completed by the applicant, that the applicant is licensed as an instructor in that state, territory, country or province and that the license is current and in good standing;

(B) An affidavit of instructor work experience completed by each employer on a form supplied by the board verifying the dates of employment as a licensed instructor;

(C) A copy of high school diploma or GED certificate (applicant shall have an education equivalent to the successful completion of the twelfth grade); and

(D) Two (2) United States passport photographs measuring two inches by two inches (2" × 2") taken within the last five (5) years.

(6) Any individual who holds a current, valid instructor license in another state, territory, District of Columbia, or foreign country, state or province where the requirements are not substantially equal to those in force in Missouri at the time of application and who does not have instructor work experience of at least one (1) year within the three (3)-year period immediately preceding the application shall not be eligible for the Missouri instructor examination until having met training requirements set forth in section 329.080, RSMo. A "substantially equal" number of training hours is ninety-five (95%) or more of the training hours required in Missouri for any given classification.

(7) All foreign documents or documents not in the English language that are submitted pursuant to this rule must be certified by a board approved credential evaluating service.

AUTHORITY: sections 329.025.1 and 329.085.5, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 8 Cosmetology Instructors and Instructor Trainees

Proposed Rule - 20 CSR 2085-8.080 Credit for Out-of-State Instructor Training

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

Chapter 9—Apprenticeships—Barber and Cosmetology

PROPOSED RULE

20 CSR 2085-9.010 Apprentices

PURPOSE: This rule establishes qualifications and requirements for barber and cosmetology apprentices.

(1) Apprentice Registration.

(A) Any person desiring to enter into an apprenticeship training program shall contact the establishment of intended enrollment and obtain an enrollment form supplied by the board. At least two (2) weeks prior to the commencement of any program of instruction, the person seeking registration as an apprentice shall return the completed enrollment form to the barber or cosmetology establishment of intended enrollment and that establishment, if the student is accepted, shall approve it and submit it to the board. The form shall be accompanied by the proper fee(s) and include the following information:

1. The applicant's name and address;
2. The name and address of the establishment of enrollment;
3. Proof of age—birth certificate or driver's license (applicant must be seventeen (17) years of age by the time application is made for examination);
4. Two (2) or more character references;
5. Two (2) United States passport photographs measuring two inches by two inches (2" × 2") which have been taken within the last five (5) years;
6. Signature of the applicant;
7. Signature of the proposed apprentice supervisor;
8. For applicants for a barber apprenticeship, a medical examination form pursuant to section 328.030, RSMo; and
9. For applicants for a cosmetology apprenticeship, proof of successful completion of the tenth grade (completion of at least ten (10) high school credits)—diploma, general educational development (GED) certification or official school transcript indicating student's name, grade level and number of credits completed. All foreign documents or documents not in the English language must be certified by a board approved credential evaluating service.

(B) No person shall be given credit for any training received as an apprentice until a properly completed apprentice enrollment form has been received and approved by the board and an apprentice license is returned to the establishment. The apprentice license shall expire on the expiration date. A new application shall be submitted should the apprentice wish to continue training beyond the expiration date.

(C) Change of Status. Any apprentice desiring to change his/her course or location (not supervisors) must apply to the board for a change of status. Any other alteration (such as a change of apprentice supervisors) will require a termination. An application for change of status shall be made to the board on a form supplied by the board. The form shall be accompanied by the apprentice license and the enrollment application fee and shall be postmarked no later than three (3) days from the effective date of the change of status. The change of status application shall include an interim certificate which shall be valid for twenty (20) days from the date of application and shall be retained by the applicable barber or cosmetology establishment to serve as the training license for the apprentice until the amended license is received from the board.

(D) The apprentice license is not transferable.

(2) Enrollment for Apprentice Training.

(A) Except as otherwise provided by the rules of the board, all per-

sons desiring to enter a program of apprenticeship training in Missouri shall satisfy all general student requirements that are applicable to the license sought.

(B) In order for an apprentice to be enrolled for training by a qualified supervisor, the applicant must:

1. Complete an apprentice enrollment application; and
2. Have an apprentice enrollment application submitted to the board on his/her behalf at least fourteen (14) days prior to the anticipated commencement of the apprentice's training. No apprentice shall receive credit for training received at a barber or cosmetology establishment until the apprentice enrollment application is approved and received by the board and both the apprentice license and the apprentice supervisor certificate are received and conspicuously posted in the establishment where the apprentice training will be conducted.

(C) Apprentice applicants must comply with 20 CSR 2085-12.060.

(3) Minimum Requirements for Apprentice Training.

(A) Barber apprenticeship training in Missouri shall provide a minimum of two thousand (2,000) hours of training for a period not to exceed five (5) years. Subjects of apprenticeship study shall conform to Column B in 20 CSR 2085-12.030(1).

(B) Cosmetology apprenticeship training in Missouri shall provide a minimum of three thousand (3,000) hours of training for cosmetology, a minimum of fifteen hundred (1,500) hours of training for estheticians or a minimum of eight hundred (800) hours for manicuring. Subjects of apprenticeship study shall conform to the applicable requirements of Columns B, C and D in 20 CSR 2085-12.050(1)(A).

(C) For the purposes of meeting the minimum requirements for examination, training completed by an apprentice who has transferred between establishments or has had a lapse of time between enrollments in the same establishment shall be recognized by the board for a period of no more than five (5) years from the date it was received.

(D) All apprentices shall be under the supervision of the approved apprentice supervisor or an acting supervisor as provided by the rules of the board.

(E) Apprentices shall receive no less than one (1) hour of combined lectures and demonstrations each business day, excluding Saturday.

(4) Application for Examination.

(A) Upon a successfully completed course of apprentice training, provided the board is in receipt of a completed apprentice transcript and apprentice registration, the apprentice may apply for the state examination. In order to be scheduled for examination, all training hours must be completed and a properly completed application on a form supplied by the board must be received by the board within five (5) years from the date the board issued his/her student or apprentice license. The Application for Examination/Temporary Permit Form must be received in the board office no less than fourteen (14) days prior to the date of the scheduled examination the applicant desires to take. Applications received after this cut-off date and all applications received after every available space for the examination has been filled, whether that application was received prior to or after this cut-off date, shall be scheduled for the next regularly scheduled examination. The Examination Scheduling Request Form, along with the examination fee, must be submitted to the test administrator's office.

(B) The minimum passing examination scores required for licensure as an operator are seventy-five (75) for the practical examination and seventy-five (75) for the written examination.

(C) Upon completion of apprentice training, the apprentice registration to work in a current licensed establishment under the supervision of a licensed barber or, for cosmetology apprentices, a licensed cosmetologist, may be extended by the board to ten (10)

days following the date of the first available examination for licensure. Extended apprentice registrations shall be posted in front of the working chair. Extended apprentice registrations must be returned to the board upon expiration.

(5) Failure of any apprentice barber or cosmetology establishment, apprentice supervisor, or apprentice licensed by the board to comply with these rules and curriculum shall be considered grounds for suspension or revocation of a license to operate an apprentice barber or cosmetology establishment in this state.

(6) Apprentice Attire. All apprentices shall wear washable clothing while in attendance.

(7) Posting of Apprentice License. Each apprentice shall ensure the apprentice license is conspicuously posted with a two inch square (2" × 2") photograph attached which has been taken within the last five (5) years. The apprentice license is not transferable.

AUTHORITY: sections 328.075, 328.080, 329.025.1, 329.060, 329.070 and 329.090, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty-five thousand five hundred sixty-nine dollars (\$25,569) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately three thousand two hundred sixty-one dollars and seventy-nine cents (\$3,261.79) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 9 Apprenticeships - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-9.010 Apprentices**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$25,569

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 2%	Enforcement – 0%
Personal Service	\$7,279	\$0
Expense & Equipment	\$3,583	\$0
Transfers	\$14,706	\$0
TOTAL	\$25,569	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 9 - Apprenticeships - Barber and Cosmetology

Proposed Rule - 20 CSR 2085-9.010 Apprentices

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
119	Apprentices (Enrollment Fee @ \$25)	\$2,975
119	Apprentices (Notary @ \$2)	\$238
119	Apprentices (Postage @ \$.41)	\$48.79

Estimated Annual Cost of Compliance for the Life of the Rule **\$3,261.79**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 9—Apprenticeships—Barber and Cosmetology**

PROPOSED RULE

20 CSR 2085-9.020 Apprentice Supervisors

PURPOSE: This rule establishes qualifications and requirements for barber and cosmetology apprentice supervisors.

(1) Apprentice Supervisors.

(A) Any person desiring to practice as an apprentice supervisor shall have been licensed as a barber or cosmetologist by the board for not less than two (2) years immediately prior to application as an apprentice supervisor. Said person shall provide to the board:

1. The name and address of the apprentice to be supervised;
2. The name and address of the licensed establishment;
3. The floor plan of the proposed apprentice establishment;
4. The contract, if any, between the apprentice supervisor and the apprentice;
5. An apprentice supervisor application properly completed on a form supplied by the board;
6. Two (2) letters of character reference for the apprentice supervisor;

7. Two (2) additional letters of reference from licensed cosmetologists or licensed barbers for applicants for a barber or cosmetology apprentice supervisor license, affirming the applicant's competence as a professional cosmetologist or professional barber;

8. Two (2) United States passport photographs measuring two inches square (2" × 2") taken within the last five (5) years;

9. An affidavit promising that the apprentice supervisor shall be physically present at all times that his/her apprentice is receiving credited hours toward the required minimum for testing. For emergency purposes one (1) secondary licensed barber from the apprentice establishment, or one (1) secondary cosmetologist, manicurist or esthetician from the apprentice establishment for cosmetology apprentice applicants, shall be named as acting apprentice supervisor. The acting supervisor shall not be responsible for more than a total of five percent (5%) of the total hours of supervision for the apprentice (or no more than a total of one hundred (150) hours for cosmetology apprentices, one hundred (100) hours for barber apprentices or forty (40) hours for manicuring apprentices). The designation of an acting apprentice supervisor is limited to cases of sickness, vacation, or emergencies of the apprentice supervisor and any misuse of this privilege shall result in discipline of the supervisor's certificate. The acting apprentice supervisor shall hold a current license consistent with the training of the apprentice and must be named and approved;

10. Application for a board-approved training session emphasizing teaching methodology. Those apprentice supervisor applicants who currently are licensed instructors in the state of Missouri may forego the training session for becoming a supervisor; and

11. For cosmetology apprentice supervisor applicants, proof of successful completion of a twelfth grade education (diploma or general educational development (GED) certificate).

(B) Training and Licensure.

1. Upon the receipt by the board of all items required by subsection (1)(A), the board shall schedule the applicant for seminar training as an apprentice supervisor.

2. Upon the successful completion of the seminar, the board shall issue the applicant a certificate as an apprentice supervisor. The apprentice supervisor certificate shall expire upon the apprentice's completion of training hours. The apprentice supervisor certificate is nontransferable and nonrenewable, unless an extension of the certi-

cate is necessary for the apprentice to complete his/her hours. The apprentice supervisor certificate shall be conspicuously displayed within the apprentice establishment with a two inch square (2" × 2") photograph taken within the last five (5) years.

3. The apprentice supervisor shall not hold him/herself out as a school and shall not train/supervise more than one (1) apprentice at a time. The apprentice supervisor shall not accept any fee from the apprentice or any representative of the apprentice for instruction, rent, supplies, equipment or any other necessary tools for instruction.

4. All previously approved apprentice supervisors applying to supervise an apprentice after September 1, 1995, shall comply with all regulations for apprentice supervisors as set forth in this rule.

5. The apprentice supervisor has thirty (30) days to begin training of the apprentice subsequent to attending the board-approved training session as referenced in this rule.

6. The board shall grant a waiver of completion of a board-approved training session provided:

(A) Within the first six (6) months of the date of issuance of the apprentice supervisor certificate either party terminates the training; and

(B) The apprentice supervisor reapplies to supervise a new apprentice within the same six (6) months.

(2) Apprentice Registration.

(A) It shall be the responsibility of the apprentice supervisor to submit to the board at least fourteen (14) days prior to the anticipated date of the beginning of the apprentice training the following:

1. A completed apprentice application for admission to apprentice training for the proposed apprentice, with all of the information for the apprentice required by 20 CSR 2085-9.010; and

2. The applicable fee.

(B) Upon board approval of an apprentice application for admission to apprentice training, the board shall issue to the apprentice supervisor an apprentice registration. The registration of each apprentice shall be conspicuously posted at the appropriate station at all times and shall have a two inch square (2" × 2") photograph attached which has been taken within the last five (5) years. Each apprentice and apprentice supervisor shall ensure the apprentice license is posted as required by this rule.

(C) The apprentice license is not transferable.

(3) Equipment.

(A) Cosmetology apprentice supervisors must provide:

1. All of the equipment required for cosmetology students under 20 CSR 2085-12.040(2)(T) and (Y) for Class-CA cosmetology students;

2. All of the equipment required for manicuring students under 20 CSR 2085-12.070(3)(P) and (R); or

3. All of the equipment required for esthetician students under 20 CSR 2085-12.080(4)(N) and (T).

(B) Barber apprentice supervisors must provide the following equipment: barber station, mannequin, current textbook on theory and barbering supplies.

(4) Minimum Requirements for Apprentice Training.

(A) Barber apprenticeship training in Missouri shall provide a minimum of two thousand (2,000) hours of training for a period not to exceed five (5) years. Subjects of apprenticeship study shall conform to Column B in 20 CSR 2085-12.030(1).

(B) Cosmetology apprenticeship training in Missouri shall provide a minimum of three thousand (3,000) hours of training for cosmetology, a minimum of fifteen hundred (1,500) hours of training for estheticians or a minimum of eight hundred (800) hours for manicuring. Subjects of apprenticeship study shall conform to the applicable requirements of Columns B, C and D in 20 CSR 2085-12.050(1)(A).

(C) For the purposes of meeting the minimum requirements for

examination, training completed by an apprentice who has transferred between cosmetology establishments or has had a lapse of time between enrollments in the same cosmetology establishment shall be recognized by the board for a period of no more than five (5) years from the date it was received.

(D) All apprentices shall be under the supervision of the approved apprentice supervisor or an acting supervisor as provided by the rules of the board.

(E) Apprentices shall receive no less than one (1) hour of combined lectures and demonstrations each business day, excluding Saturday.

(5) **Mandatory Reporting.** The apprentice supervisor shall submit monthly reports by the tenth day of the following month for the apprentice in training on forms supplied by the board. Upon termination of training by the apprentice, the supervisor shall submit to the board within two (2) weeks a properly completed termination form supplied by the board. The form shall list the total number of training hours completed by the apprentice, allocated by subject area, the date the apprentice terminated training, and shall be accompanied by the apprentice's license and any unused materials supplied by the board.

(6) **General Rules.**

(A) An apprentice supervisor shall not allow any person under the age of seventeen (17) years to enroll as an apprentice.

(B) Apprentice supervisors shall ensure that the apprentice's license is conspicuously posted at the appropriate station at all times with a two inch square (2" × 2") photograph attached which has been taken within the last five (5) years. The apprentice license is not transferable.

(C) The apprentice supervisor license is not transferable.

(D) All work performed by the apprentice on a customer shall be inspected and approved by an apprentice supervisor before the customer exits the apprentice establishment.

AUTHORITY: sections 328.075, 328.130, 329.025.1 and 329.050.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately seventy-one thousand six hundred twenty-six dollars and fifty-nine cents (\$71,626.59) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 9 Apprenticeships - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-9.020 Apprentice Supervisors**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 9 - Apprenticeships - Barber and Cosmetology

Proposed Rule - 20 CSR 2085-9.020 Apprentice Supervisors

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
119	Apprentice Supervisors (Application Fee @ \$75)	\$8,925
2	Apprentice Supervisors (Foreign Cosmetology Training Verification -	\$250
103	Apprentice Supervisors (Cosmetology Apprentice Equipment @ \$582)	\$59,946
3	Apprentice Supervisors (Esthetician Apprentice Equipment @ \$582)	\$1,275
6	Apprentice Supervisors (Manicuring Apprentice Equipment @ \$25)	\$150
7	Apprentice Supervisors (Barber Apprentice Equipment @ \$163)	\$175
119	Apprentice Supervisors (Mandatory Reporting @ \$.60/per month	\$857
119	Licensees (Postage @ \$.41)	\$48.79

Estimated Annual Cost of
Compliance for the Life of the Rule

\$71,626.59

III. WORKSHEET

Cosmetology Apprentice Supervisor Equipment

\$207 Cosmo textbook and workbook

\$50 Reference Library

\$300 Student Kit

\$10 Beauty Dictionary

\$10 Collegiate Dictionary

\$5 Trade Magazine

\$582

Esthetician Apprentice Supervisor Equipment
\$125 Esthetician textbook and workbook
\$300 Student Kit

\$425

Manicuring Apprentice Supervisor Equipment
\$25 Student Kit

\$25

Barber Apprentice Supervisor Equipment
\$43 Mannequin
\$120 Textbook
Barbering Supplies

\$163

Mandatory Reporting
\$0.05 Paper for Reporting
0.16 Envelope
0.41 Postage

\$0.62

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. Travel expenses for the Apprentice Supervisor Seminar are not included in the private entity cost associated with this fiscal note due the various geographic locations of licensees.
3. Cost for obtaining a transcript is not included in the fiscal estimates. The board is assuming the apprentice applicant will hold a license as a cosmetologist or barber, therefore, the transcript filed with the original application for licensure will be copied to the apprentice application file.
4. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 9—Apprenticeships—Barber and Cosmetology**

PROPOSED RULE

20 CSR 2085-9.030 Apprentice Establishments

PURPOSE: This rule establishes licensing requirements for all barber and cosmetology apprentice establishments.

(1) General Rules.

(A) The licensed establishment shall be duly inspected and approved by the board or its authorized representative prior to commencement of apprentice training.

(B) Any establishment advertising the services of an apprentice, in addition, shall provide notice, in print one-half (1/2) the size of the establishment name, that the apprentice is a student.

(C) The apprentice establishment shall not hold itself out as a school and shall not train/supervise more than one (1) apprentice at a time. The apprentice establishment shall not accept any fee from the apprentice or any representative of the apprentice.

(D) For cosmetology apprentices, subjects of apprenticeship study shall conform to the applicable requirements of Columns B, C and D in 20 CSR 2085-12.050(1)(A).

(E) For barber apprentices, subjects of apprenticeship study shall conform to Column B of 20 CSR 2085-12.030(1).

(F) An apprentice establishment shall maintain an actual record of the exact number of hours worked each day by each apprentice and shall maintain current transcripts and records of each apprentice enrolled, including the hours and dates of attendance and grades of all examinations.

(G) The building and quarters the apprentice establishment occupies shall be clean, well painted, well ventilated and adequately lighted with sufficient room.

(H) Apprentice establishments shall be in compliance with all applicable sanitation rules. Pursuant to section 328.060.2, RSMo, barber apprentice establishments shall post the sanitation rules in a conspicuous place within the barber establishment.

AUTHORITY: sections 328.075, 328.115, 329.025.1 and 329.045, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty-five thousand five hundred sixty-nine dollars (\$25,569) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 9 Apprenticeships - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-9.030 Apprentice Establishments**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$25,569

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 2%	Enforcement - 0%
Personal Service	\$7,279	\$0
Expense & Equipment	\$3,583	\$0
Transfers	\$14,706	\$0
TOTAL	\$25,569	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2-- Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3-- Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4-- Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 10—Establishments (Shops)—Barber and
Cosmetology**

PROPOSED RULE

**20 CSR 2085-10.010 Licensing—Barber Establishments and
Cosmetology Establishments**

PURPOSE: This rule establishes licensing requirements for all barber and cosmetology establishments.

(1) New Barber Establishments or Cosmetology Establishments.

(A) Except as provided herein, any person desiring to open a barber or cosmetology establishment in Missouri, whether a beauty shop, nail salon or other cosmetology establishment, shall submit an application to the board at least thirty (30) days prior to the anticipated opening of the establishment. The establishment license application shall be submitted on a form provided by the board, accompanied by the biennial establishment fee, and include the following information:

1. The name and complete mailing address of the owner(s) or lessor(s) and lessee(s). If the establishment is owned by a corporation, include the name and complete mailing address of the corporate office;

2. The establishment's name and complete physical address;

3. A copy of the proposed/existing establishment's floor plan, including the approximate dimensions and square footage, specifically identifying which portions of the establishment constitute the establishment to be licensed;

4. The minimum equipment required by the board for the establishment to be licensed; and

5. If applicable, copies of the fictitious name statement registered with the secretary of state, bill of sale or sales receipt, contract or lease agreement, and city business or occupational license.

(B) Upon receipt of a properly completed establishment license application, the board, within a reasonable time, will make a decision to approve or deny the application. In the event the board denies an application, the applicant shall be notified, in writing, of the specific reasons for denial.

(C) No establishment shall open in Missouri until the board receives a completed application, on a form supplied by the board, the biennial establishment fee is paid, the establishment passes a board inspection, and the application is approved by the board. If an establishment opens for business before the board issues the original establishment license, a delinquent fee shall be assessed in addition to all other required licensure fees, and the board may take legal action pursuant to Chapter 328 and/or 329, RSMo.

(2) Rental Space/Chair Licensing. Any person licensed by the board who rents individual space or a booth/chair within a licensed establishment for the purposes of practicing as a barber or cosmetologist shall be required to obtain a separate cosmetology establishment license for the rental space. Licensees that rent individual space or a booth/chair within a licensed barber or cosmetology establishment for the purposes of operating as a barber or cosmetologist must possess a current establishment license as well as an operator license. This section does not apply to licensees operating as establishment employees.

(A) Each establishment license issued to a renter under this rule shall be valid only for the licensee, address and name identified in the initial establishment license application.

(B) Applications for an establishment license under this subsection shall be submitted on a form provided by the board and shall comply

with the requirements defined in 20 CSR 2085-10.010(1)(A)1-4.

(C) Change of Location or Ownership. If the location or ownership of the establishment changes during the license period, the owner shall submit an application for a new establishment license to the board within forty-five (45) days after the ownership or location change with the applicable change of location and/or change of ownership fee.

1. The board shall not issue a license for the new ownership or location until the establishment passes a board inspection, the establishment is in compliance with all applicable sanitation rules under 20 CSR 2085-11.010 and 20 CSR 2085-11.020 and the application is approved by the board.

2. The original license of the establishment shall become void as to the new location and/or new owners upon expiration of the forty-five (45)-day period and shall be returned to the board.

3. No barber or cosmetology services shall be performed or offered to be performed under the new ownership or at the new location after the forty-five (45)-day period expires until the establishment is issued a license by the board for the new owners and/or new location.

(D) Name Changes. If at any time during the license period the name of the establishment is changed, the original establishment license shall become void as to the prior name and the license holder shall submit an application to the board for an establishment license for the new name with the biennial establishment fee. No barber or cosmetology services shall be performed or offered to be performed under the new name until an establishment license is issued by the board for the new name. The board shall be notified immediately in writing by the license holder(s) of an establishment name change.

(E) Display of License. The current establishment license for the rental space/chair shall be posted in a conspicuous place at all times. The licensee's barber or cosmetology license shall also be posted at each respective work station.

(F) Application for an establishment license under this section shall be made on forms provided by the board and accompanied by the biennial establishment fee.

(G) Except as provided herein, no person shall provide or offer to provide barber or cosmetology services at a rented space, booth or chair before an establishment license has been obtained as required by this rule. If barber or cosmetology services are performed or offered at the rented space or chair before an establishment license is issued as required by this section, a delinquent fee shall be assessed in addition to all other required licensure fees, and the board may take legal action pursuant to Chapters 328 and/or 329, RSMo.

(3) Display of License. Establishment licenses shall be posted within the establishment in plain view at all times so that it may be easily seen by the public. Establishment licenses issued to a station or booth rental establishment shall be posted in plain view at the respective work station.

(A) Operator licenses, apprentice licenses or student temporary permits shall either be posted at each respective assigned work station or all posted together in one (1) conspicuous, readily accessible, central location within the establishment area that will allow easy identification of the persons working in the establishment by clients, board representatives or the general public.

(B) A two inch square (2" × 2") photograph taken within the last five (5) years shall be attached to operator licenses. A two inch square (2" × 2") photograph taken within the last five (5) years shall be attached to apprentice licenses and student temporary permits.

(4) Renewals and Reinstatements.

(A) All existing, currently licensed establishments in Missouri shall submit on or before the renewal date, a completed establishment renewal application to the board with the biennial renewal fee. Renewal notices are sent out by the board as a courtesy. It is the

responsibility of the holder(s) of the establishment license to renew the license by the expiration date. Failure to receive a renewal notice does not relieve the holder(s) of this responsibility.

(B) Reinstatement of License. The holder(s) of an establishment license which has not been renewed by the renewal date shall be required to submit a late fee in addition to the biennial renewal fee in order to reinstate the license. The holder(s) of the establishment license who continues to operate although the license has not been renewed shall be subject to disciplinary action for operating an unlicensed establishment if the establishment license is not reinstated within fourteen (14) days following the mailing of a notice to the holder(s) or sixty (60) days from the renewal deadline, whichever is later, for operating an establishment without a license.

AUTHORITY: sections 328.115, 329.025.1, 329.045, 329.110 and 329.120, RSMo Supp. 2006. Original rule filed Aug. 10, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eighty-nine thousand four hundred ninety-one dollars (\$89,491) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately four hundred sixteen thousand three hundred forty-three dollars and eighty-seven cents (\$416,343.87) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 10 Establishments (Shops) - Barber and Cosmetology

Proposed Rule - 20 CSR 2085-10.010 Licensing - Barber Establishments and Cosmetology Establishments

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$89,491

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 7%	Enforcement - 0%
Personal Service	\$25,477	\$0
Expense & Equipment	\$12,541	\$0
Transfers	\$51,473	\$0
TOTAL	\$89,491	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 10 - Establishments (Shops) - Barber and Cosmetology

Proposed Rule - 20 CSR 2085-10.010 Licensing - Barber Establishments and Cosmetology Establishments

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
3041	Applicants (Establishment Application Fee @ \$100)	\$304,100
3041	Applicants (Fictitious name statement @ \$7.00)	\$21,287
10	Cosmetologists Establishments (Change of Location - Full Service @ \$100)	\$1,000
950	Cosmetology Establishments (Change of Location - Rental Stations @ \$50)	\$47,500
5	Barber Establishments (Change of Location - Full Service @ \$100)	\$500
20	Barber Establishments (Change of Location - Rental Stations @ \$50)	\$1,000
186	Applicants (Delinquent Fees @\$100)	\$18,600
3	Cosmetology Establishments (Change of Ownership or Adding a Co-Owner@ \$50)	\$2
1	Barber Establishments (Change of Ownership/Adding a Co-Owner@ \$50)	\$50
7257	Applicants (Notary @ \$2)	\$19,330
7257	Applicants (Postage @ \$.41)	\$2,975.37

Estimated Annual Cost of Compliance for the Life of the Rule **\$416,343.87**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
1. Of 5827 cosmetology rental stations, the board estimates that 50% of those individuals will submit a change of location to the board.
2. Historically, the number of barbers who have rental space in an establishment is less than cosmetologists. For the purpose of this fiscal note, the board estimates of the 274 barber rental spaces, 5% of those individuals will submit a change of location for the board.
3. Cost to private entities for renewals and reinstatments are included in the fiscal notes for 20 CSR 2085-5.040 and 20 CSR 2085-7.040.
4. Cost for public and private entities related to license changes required by 20 CSR 2085-10.020 included in this fiscal note as both rules have the same requirements.
5. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
6. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and
Barber Examiners**

**Chapter 10—Establishments (Shops)—Barber and
Cosmetology**

PROPOSED RULE

**20 CSR 2085-10.020 Barber and Cosmetology Establishment
License Changes**

PURPOSE: This rule establishes licensing change requirements for all barber and cosmetology establishments.

(1) Original Licensure. An establishment license shall only be valid for the owners, address and name provided for the establishment in the initial establishment license application. The initial establishment license holder shall retain establishment ownership and responsibility for ensuring that the establishment is operated according to all applicable provisions of Chapter 328, RSMo, (for barbering) and Chapter 329, RSMo, (for cosmetology) and the regulations of the board.

(2) Change of Location or Ownership. If at any time during the license period the establishment location, name, and/or ownership changes, the owner(s) of the establishment shall submit an application for a new establishment license to the board within forty-five (45) days after the ownership or location change and the applicable change of location and/or ownership fee. The original license of the establishment shall become void as to the new location and/or new owners upon expiration of the forty-five (45)-day period and shall be returned to the board. No barber or cosmetology services shall be performed or offered to be performed under the new ownership or at the new location after the forty-five (45)-day period expires until the establishment is issued a license by the board for the new owners and/or new location.

(A) New Ownership. It is the responsibility of the new owner(s) to submit the establishment application to the board accompanied by the change of ownership fee.

(B) Adding a Co-Owner. It shall be the responsibility of the co-owners to submit the establishment location to the board accompanied by the applicable fee.

(C) Deleting a Co-Owner. If a co-owner(s) ceases ownership of an establishment, it shall be the responsibility of the establishment's remaining owner(s) to notify the board of this change in writing. The written notice shall serve as documentation of the change and a new application shall not be required.

(D) A corporation is considered by law to be a separate person. If a corporation owns an establishment, it is not necessary to obtain a new establishment license or to file an amended application for an establishment license if the owners of the stock change. However, as a separate person, if a corporation begins ownership of an establishment or ceases ownership of an establishment, a new establishment license must be obtained regardless of the relationship of the previous or subsequent owner to the corporation.

(E) An establishment license shall not be issued until the establishment passes a board inspection, the establishment is in compliance with all applicable sanitation rules and the application is approved by the board.

(3) Name Change of Establishment. If at any time during the license period the name of the establishment is changed, the original establishment license shall become void as to the prior name and the owners of the establishment shall submit an application to the board for an establishment license for the new name with the biennial establishment fee. The application must be made in writing and shall be

accompanied by two (2) forms of identification, a duplicate license fee and, if applicable, the establishment license currently in the license holder's possession.

(A) The board shall be notified immediately in writing by the license holder(s) of an establishment name change.

(B) No barber or cosmetology services shall be performed or offered to be performed under the new name until the establishment is issued a license by the board for the new name.

(4) Delinquent Fee. If an establishment opens for business before the board issues a new establishment license as required by this rule following a change of location, name, or ownership, a delinquent fee shall be assessed in addition to all other required licensure fees, and the board may take legal action pursuant to Chapters 328 and 329, RSMo.

(5) Establishment Closures.

(A) Voluntary Establishment Closures. When an establishment terminates its business, the holder of the establishment license shall provide written notice of the establishment closure to the board within thirty (30) days following the closure. This written notice may be submitted on a form provided by the board or by letter. The notice must be signed by the holder of the establishment license and include the name, address and license number of the establishment, the name and address of the establishment license holder, and the date of closure. Upon actual termination of business, the establishment license shall be returned to the board for surrender either in person or by registered or certified mail. If the original license has been lost, stolen, destroyed, or was never received, the establishment license holder shall submit along with the notice of voluntary closure an affidavit attesting to such facts.

(B) Administrative Establishment Closures by the Board. When an establishment terminates its business and the establishment license holder fails to submit to the board a notice of voluntary closure, the board or its representative may administratively close the establishment by submitting notice of an administrative establishment closure to the board. The board shall provide written notice of the administrative establishment closure by mailing written notice to the establishment and to the last known address of the establishment license holder. An administrative establishment closure shall not be considered discipline.

(C) The board shall not mail a renewal application for the next licensing period to those establishments which have been voluntarily or administratively closed.

(D) No one licensed by the board may perform or offer to perform barber or cosmetology services in a closed establishment until a new establishment license has been issued by the board.

(E) Where the board administratively closes an establishment for which the establishment license has not otherwise expired, no one may perform or offer to perform barber or cosmetology services in that establishment until the holder of the establishment license notifies the board in writing that the establishment is again open for business. Upon receipt of such notice, the board shall restore the status of the establishment license for the remainder of the current licensing period, provided all fees have been paid.

AUTHORITY: sections 328.115, 329.025.1 and 329.045, RSMo Supp. 2006 and 329.030, RSMo 2000. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty-five thousand five hundred sixty-nine dollars (\$25,569) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 10 Establishments (Shops) - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-10.020 Barber and Cosmetology Establishment License Changes

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$25,569

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 2%	Enforcement – 0%
Personal Service	\$7,279	\$0
Expense & Equipment	\$3,583	\$0
Transfers	\$14,706	\$0
TOTAL	\$25,569	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 10—Establishments (Shops)—Barber and
Cosmetology**

PROPOSED RULE

20 CSR 2085-10.030 Record Keeping

PURPOSE: This rule establishes general requirements for barber and cosmetology establishments record keeping.

(1) All barber and cosmetology establishment licensees shall:

(A) Designate on a form approved by the board the names of any employees practicing, or authorized to practice, as barbers or cosmetologists at the licensed establishment. The form shall remain current at all times and shall be signed by each employee as designated by the board. The form required by this section shall be maintained on the premises of the licensed establishment and shall be available to the board, its inspector or other designee, upon request; and

(B) Maintain records which verify that an employment relationship exists with any barber or cosmetologist designated as an employee pursuant to subsection (1)(A) of this rule. Records verifying an employment relationship may include, but are not limited to, payroll records, a signed employment contract or agreement or any record verifying federal or state tax withholdings, such as the Missouri Employee's Withholding Allowance Certificate (MO W-4), as amended and promulgated by the Missouri Department of Revenue, or the Quarterly Contribution and Wage Report (MODES 4-7), as amended and promulgated by the Missouri Department of Labor and Industrial Relations. Records verifying an employment relationship shall be produced to the board within ten (10) days of the request by the board, its inspector or other designee.

AUTHORITY: sections 328.115, 329.025.1 and 329.045, RSMo Supp. 2006 and 329.030, RSMo 2000. Original rule filed Aug. 10, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 10 Establishments (Shops) - Barber and Cosmetology

Proposed Rule - 20 CSR 2085-10.030 Record Keeping

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries and verify records.
- 2) Expense and equipment costs are incurred for board expenses relating to the inspections.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement – 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2-- Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3-- Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4-- Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 10—Establishments (Shops)—Barber and
Cosmetology**

PROPOSED RULE

**20 CSR 2085-10.040 Specific Barber Establishment
Requirements**

PURPOSE: This rule establishes specific barber establishment requirements.

(1) Barber establishment facilities shall consist of the following:

(A) Establishment Floors. All establishments shall be either tiled or covered with linoleum or comparable floor covering and shall be in good condition. Establishment reception area floors may consist of indoor-outdoor type carpet providing a solid wall at least thirty-six inches (36") in height separates the reception area from the working area, or a distance of at least sixty inches (60") from the base of the chair to the nearest joint of the carpeting and shall remain clean;

(B) Pursuant to section 328.060.2, RSMo, sanitary rules shall be posted in a conspicuous place in every barber establishment and barber school;

(C) Shampoo Bowls and Chairs. All establishments shall have at least one (1) shampoo bowl for every three (3) chairs. Chairs shall be placed at least five feet (5') apart; and

(D) Dust tight cabinet or drawer for each chair.

AUTHORITY: sections 328.115 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 10, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one thousand two hundred sixty-seven dollars (\$1,267) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 10 Establishments (Shops) - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-10.040 Specific Barber Establishment Requirements

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to conduct inspections.
- 2) Expense and equipment costs are incurred for board expenses relating to inspections.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 10 - Establishments (Shops) - Barber and Cosmetology

Proposed Rule - 20 CSR 2085-10.040 Specific Barber Establishment Requirements

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
1	New Barber Applicants (Establishment Flooring - average @ \$6.50/yd)	\$7
1	New Barber Applicants (Shampoo Bowls - average @ \$250/bowl)	\$250
1	New Barber Applicants (Chair - average @ \$1000/chair)	\$1,000
1	New Barber Applicants (Dust Tight Container - average @ \$10)	\$10

Estimated Annual Cost of Compliance for the Life of the Rule
\$1,267

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Currently the board does require nor collect data related to the size of an establishment. The figures above are reflective of single use purchases. Dependent upon the size of the establishment, the requirements for shampoo bowls and barber chairs may vary.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 10—Establishments (Shops)—Barber and
Cosmetology**

PROPOSED RULE

**20 CSR 2085-10.050 Specific Cosmetology Establishment
Requirements**

PURPOSE: This rule establishes specific cosmetology establishment requirements.

(1) The minimum biennial fee for a cosmetology establishment shall license the establishment for up to three (3) operators, including apprentices, students with temporary permits, or both. An additional fee is required for each additional operator working in the establishment. If at any time during the license period the number of operators working in the establishment exceeds the number of operators for which the establishment is licensed, it is the responsibility of the holder(s) of the establishment license to submit written notification to the board along with the fee for each additional operator.

AUTHORITY: sections 329.010.6, 329.025.1 and 329.045, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately three thousand six hundred ten dollars (\$3,610) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 10 Establishments (Shops) - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-10.050 Specific Cosmetology Establishment Requirements

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2-- Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3-- Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4-- Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 10 - Establishments (Shops) - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-10.050 Specific Cosmetology Establishment Requirements
Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
361	Cosmetology Establishment (Additional Operator Fee @ \$10)	\$3,610

Estimated Annual Cost of Compliance for the Life of the Rule **\$3,610**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 10—Establishments (Shops)—Barber and
Cosmetology**

PROPOSED RULE

20 CSR 2085-10.060 Unlicensed Activity

PURPOSE: This rule prohibits the activities of unlicensed persons/entities.

(1) Pursuant to Chapters 328 and 329, RSMo, no barber or cosmetology establishment owner, manager or proprietor shall permit any person who does not hold a current Missouri barber or cosmetology license to practice as a barber or cosmetologist in the establishment.

(2) License Posted. Every licensed barber and cosmetologist shall post a current license issued by the board in front of the barber's working chair or the cosmetologist's work station where it shall be readily seen by all patrons.

AUTHORITY: sections 329.030, RSMo 2000 and 328.020, 328.130, 329.025.1 and 329.110.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 10 Establishments (Shops) - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-10.060 Unlicensed Activity**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to investigate unlicensed activity.
- 2) Expense and equipment costs are incurred for board expenses relating to the investigations.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
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Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

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**THIS ISSUE CONTAINS
TWO PARTS**

END OF PART I

Preparing Rule Packets

FORMS

Newly revised forms for use by agencies when preparing rules are available on the Secretary of State's website. The revised forms are in word format which allows completed forms to be saved in your system. See <http://www.sos.mo.gov/adrules/forms.asp>

Forms available include:

- Rule Transmittal
- Affidavit
- Public Fiscal Note
- Private Fiscal Note
- Small Business Impact Statement (link provided)

FILING RULE TEXT AND FISCAL NOTES

The Administrative Rules Division is now working on a new system for filing rules electronically. In preparation for that system we would like to have agencies begin including a copy of fiscal notes in the electronic file when the rule text is sent to our email address rules@sos.mo.gov.

Office of the Secretary of State

ROBIN CARNAHAN

Part I 9/17/07

ROBIN CARNAHAN

SECRETARY OF STATE

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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015, RSMo Supp. 2006 and 536.033, RSMo 2000. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or "official" without the express permission of the secretary of state.

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The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://www.sos.mo.gov/adrules/moreg/moreg.asp> and the CSR is <http://www.sos.mo.gov/adrules/csr/csr.asp>. These websites contain rulemakings and regulations as they appear in the Registers and CSR. These websites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo Supp. 2006. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by e-mail at rules@sos.mo.gov.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



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December 3, 2007 December 17, 2007	January 2, 2008 January 16, 2008	January 30, 2008 January 30, 2008	February 29, 2008 February 29, 2008
January 2, 2008 January 16, 2008	February 1, 2008 February 15, 2008	February 29, 2008 February 29, 2008	March 30, 2008 March 30, 2008
February 1, 2008 February 15, 2008	March 3, 2008 March 17, 2008	March 31, 2008 March 31, 2008	April 30, 2008 April 30, 2008
March 3, 2008 March 17, 2008	April 1, 2008 April 15, 2008	April 30, 2008 April 30, 2008	May 30, 2008 May 30, 2008
April 1, 2008 April 15, 2008	May 1, 2008 May 15, 2008	May 31, 2008 May 31, 2008	June 30, 2008 June 30, 2008
May 1, 2008 May 15, 2008	June 2, 2008 June 16, 2008	June 30, 2008 June 30, 2008	July 30, 2008 July 30, 2008
June 2, 2008 June 16, 2008	July 1, 2008 July 15, 2008	July 31, 2008 July 31, 2008	August 30, 2008 August 30, 2008

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (I). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and
Barber Examiners
Chapter 11—Sanitation Rules—Barber and Cosmetology
PROPOSED RULE**

20 CSR 2085-11.010 Barber Sanitation Rules

PURPOSE: This rule establishes sanitary requirements for barber establishments, schools and persons lawfully practicing the occupation of barbering.

(1) Physical facilities of barber establishments and schools shall consist of the following:

(A) Floors, Walls, Ceilings, Windows, Equipment and Contents. All floors, walls, ceilings, windows, equipment and contents shall be kept clean and in good repair. Use of cloth or plush-covered barber chairs is strictly prohibited;

(B) Lighting and Ventilation. All facilities shall be adequately lighted and sufficient ventilation shall be provided to dispel odors, condensation, and vapors. For this purpose, ventilating equipment such as individual fans and vents shall be provided as necessary;

(C) Restrooms. All barber establishments shall provide adequate and conveniently located restrooms for use by patrons and operators. All schools shall provide two (2) or more restrooms to separately accommodate male and female students. All functional sinks in barber schools and barber establishments shall be provided with hot and cold running water, soap (liquid or powder), paper towels, and shall be kept clean and in good repair. A functional sink may be located inside or near the restrooms;

(D) Water Supply and Waste Disposal. Hot (not to exceed one hundred twenty degrees (120°) Fahrenheit) and cold water must be available to all lavatories and shampoo bowls at all times. Lavatories and shampoo bowls shall be provided with soap (liquid or powder) and paper towels;

(E) Establishments in Residences. Establishments located in buildings which are also used as residences must be separate and apart from living quarters by solid floor to ceiling partitions. The establishment must contain the equipment used in the practice of barbering and this equipment must be kept in the separated establishment area. Beds of any description are not permitted, nor shall any room(s) equipped for barber establishments have any residential purposes.

1. Every establishment located in a building also used as a residence must have a separate entrance which shall not open off the living quarters. Doorways from within the establishment area shall be kept closed at all times.

2. All establishments which exist in buildings that also have living quarters must have restroom facilities located separate and apart from the living quarters. Restroom facilities shall be adequate and conveniently located for use by patrons and operators. All lavatories shall be provided with hot and cold running water, soap (liquid or powder) and paper towels and shall be kept clean and in good repair.

3. Establishments located in buildings which are also used as residences shall comply with all requirements contained in 20 CSR 2085-11.010, in addition to complying with the specific requirements of this subsection;

(F) Establishments and Schools Used for Other Business Purposes. Establishments may be used for other business purposes, except for the sale of products and/or services that may create sanitation or safety hazards to the public and shall be at the discretion of the board. Schools shall not be used for any other business purposes. The sale of hair products is acceptable; and

(G) Washing Machines and Dryers. Any washing machine or clothes dryer shall be located in a separate room from the working area if utilized in a facility.

(2) All barber establishments and schools shall comply with:

(A) Patron Protection:

1. Headrests shall be covered with a clean towel or paper protector for each usage;

2. Clean towels shall be used for each patron. A closed container or drawer shall be provided for clean towels;

3. Soiled towels shall be placed in a leakproof, covered receptacle immediately upon completion of use;

4. A newly laundered towel or neck strip shall be placed around each patron's neck to prevent the cape or hair cloth from touching skin;

5. All implements shall be disinfected after use on each patron (refer to subsection (2)(C));

6. Persons engaged in barbering shall wash their hands with soap (liquid or powder) and water before serving each patron; and

7. Persons engaged in barbering shall not attempt to remove moles or warts from a patron;

(B) Covered Waste Receptacles. Every barber establishment or school shall be required to have a covered waste receptacle for the disposal of hair and debris, and a covered waste receptacle for soiled towels. Hair clippings shall be swept up and disposed of in a covered receptacle after each patron;

(C) Disinfecting and Storing Implements. All implements used in barbering shall be disinfected before use on each patron with an Environmental Protection Agency (EPA)-registered disinfectant, which may be a spray solution. The label on the disinfectant shall show that it is EPA-registered with demonstrated bactericidal (disinfectant), virucidal, and fungicidal activity and shall be used according to the manufacturer's instructions. Every barber establishment or school shall have a sufficient supply of disinfectant and disinfectant that shall immediately be replaced if it becomes contaminated. All supplies that cannot be disinfected shall be disposed of in a covered waste receptacle immediately after use. Implements not in use shall be stored in a disinfectant solution or in a clean, dust-tight cabinet or drawer. The following disinfectant procedures shall be followed:

1. For non-electrical:

A. Wash in soapy water;

B. Rinse in clean water;

C. Totally immerse in an EPA-registered disinfectant used according to manufacturer's instructions;

D. Dry with clean cloth or air dry; and

E. Store in clean, dust-tight cabinet or drawer; and

2. For electrical:

A. Remove all foreign matter;

B. Disinfect with EPA-registered disinfectant according to manufacturer's instructions; and

C. Store in clean, dust-tight cabinet or drawer;

(D) Storage and Use of Products. All containers shall be covered when not in use and shall be clearly and correctly labeled to show the nature and intended use of the contents. Preparations used in barbering whose containers do not incorporate a dispensing mechanism shall be removed from their containers by using a new disposable device or a sanitized device, such as a spatula, spoon, or similar instrument, and shall not be removed by the use of the hands. Styptic pencils shall not be used in barbering;

(E) Animals/Pets. No barber establishment or school shall allow any animal/pet inside the facility at any time except for service animals whose whole purpose is to provide assistance to a patron while obtaining services;

(F) Personal Cleanliness. Every barber/student barber and their clothing, shall be kept in neat and clean condition at all times. Student barbers shall wear washable uniforms while in attendance;

(G) Disease Control. Except as otherwise provided by the Americans With Disabilities Act, a licensee, apprentice or student

with a communicable disease shall take all proper precautions to prevent the spread of the disease to any person while practicing barbering or cosmetology. A licensee, apprentice or student attending a patron known by the licensee, apprentice or student to have a communicable disease shall also take all proper precautions to prevent the spread of the disease to any person, except as otherwise provided by the Americans With Disabilities Act. Disposable gloves shall be worn by any licensee, apprentice or student with open wounds, dermatitis, or other non-intact skin of the hands;

(H) Injury/Blood Spill Procedure. If a cut is sustained and/or blood spill should occur, the following steps must be followed:

1. Licensee, apprentice, student or salesperson cut/blood spill procedure:

A. Licensee, apprentice, student or salesperson must stop service immediately;

B. Clean cut area with soap (liquid or powder) and water and apply antiseptic. If necessary, liquid, spray or powder styptic may be applied to stop bleeding. Note: Do not allow containers, brushes or nozzles to touch or contact the wound—use an applicator as appropriate;

C. Cover injury with adhesive bandage;

D. If work area and/or equipment are soiled with blood, the licensee, student, apprentice or salesperson shall place disposable gloves or a finger guard on their hands and clean/disinfect the area and soiled objects;

E. Dispose of all contaminated objects and disposable gloves in a covered waste receptacle and clean hands with an antimicrobial cleanser; and

F. Place a clean disposable glove on if cut is sustained on the hand.

2. Patron cut/blood spill procedure:

A. Licensee or student barber must stop service immediately;

B. Licensee or student barber must place disposable gloves on hands;

C. Cleanse cut area of patron, apply antiseptic and/or liquid styptic or spray styptic, as necessary. Note: Do not allow container or nozzles to touch or contact the wound—use an applicator as appropriate;

D. Cover cut area with adhesive bandage as indicated;

E. If work area and/or equipment are soiled with blood, licensee or student barber shall disinfect work area and/or blood spill area and dispose of or disinfect all contaminated objects;

F. Remove and dispose of disposable gloves, and clean hands with soap (liquid or powder) and water; and

G. Return to service;

(I) Covered Waste Receptacles. Any barber establishment or school shall be required to have covered waste receptacles for the disposal of hair. Hair clippings shall be swept up and disposed of in a covered waste receptacle after each patron; and

(J) Members, representatives, or inspectors of the board, upon finding any sanitation rule being violated in any barber establishment or barber school, shall notify the person(s) and/or owner(s) who is in violation and make a written report to the board.

AUTHORITY: sections 328.060.2 and 328.100, RSMo 2000 and 328.115 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately seventeen thousand forty-six dollars (\$17,046) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately two hundred fifteen thousand nine hundred thirty dollars

(\$215,930) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 11 - Sanitation Rules - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-11.010 Barber Sanitation Rules

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$17,046

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to conduct inspections, respond to inquiries, and entering data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to inspections and the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure - 0%	Enforcement - 2%
Personal Service	\$0	\$4,853
Expense & Equipment	\$0	\$2,389
Transfers	\$0	\$9,804
TOTAL	\$0	\$17,046

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 11 - Sanitation Rules-Barber and Cosmetology

Proposed Rule - 20 CSR 2085-11.010 Barber Sanitation Rules

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
286	New Barber Establishment (fan @ \$10)	\$2,860
286	New Barber Establishment (functional sink @ \$495)	\$141,570
286	New Barber Establishment (supplies @ \$250)	\$71,500
Estimated Annual Cost of Compliance for the Life of the Rule		\$215,930

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. Supplies include paper towels, soap, spatula/spoon, towels/neck strips, disinfectants, antiseptic, band aides, disposable gloves, styptic, and waste receptacles. For the purposes of this fiscal note the board estimates an applicant will spend approximately \$250 for these supplies.
3. Cost associated with restrooms are not included in this fiscal note due to varying contractor prices and contract geographic locations.
4. The cost for a function sink includes faucet, sink, running hot water line, and installation of vent to the drain. For the purposes of this fiscal note the board estimates an applicant will spend approximately \$495 for a functional sink.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and
Barber Examiners
Chapter 11—Sanitation Rules—Barber and Cosmetology**

PROPOSED RULE

20 CSR 2085-11.020 Cosmetology Sanitation Rules

PURPOSE: This rule establishes sanitary requirements for schools, cosmetology establishments and persons practicing any cosmetology occupation.

(1) Physical Facilities.

(A) Lighting and Ventilation. A minimum of thirty (30) footcandles light intensity shall be provided in all areas where all classified occupations of cosmetology are practiced. A minimum of five (5) footcandles must be provided in areas used for waiting rooms, storage, corridors, etc. For all physical facilities and retail cosmetic sales counters, sufficient ventilation shall be provided to dispel odors, condensates and vapors. For this purpose, ventilating equipment, such as individual fans, vents and hoods, shall be provided where needed.

(B) Floors, Walls, Ceilings, Equipment and Contents. For areas where all classified occupations of cosmetology are practiced, including retail cosmetic sales counters, all floors, walls, ceilings, equipment and contents shall be constructed of washable materials and must be kept clean and in good repair at all times. Commercial-type carpet may be used.

(C) Water Supply and Waste Disposal. For cosmetology establishments and schools in cities and towns where these facilities are available, water must be obtained from the public water supply system and wastewater must be drained through pipes into the public sewer system. In all towns or communities in which a public water supply or public sewer system is not available, the water must be obtained from an individual supply source approved by the Division of Environmental Quality. Wastewater and sewage must be disposed of into a suitable sewage treatment device constructed and operated in a manner approved by the Missouri Clean Water Commission. Hot and cold water must be available to all lavatories and shampoo bowls. Water from the supply to the hot water faucets must be piped through a continuous water heater capable of providing an ample supply of water not to exceed one hundred twenty degrees Fahrenheit (120° F) at all times. All plumbing in establishments and schools shall be installed in accordance with any applicable municipal, city or government requirements. All lavatories and shampoo bowls shall be provided with soap (liquid or powder) and individual towels.

(D) Restrooms. All cosmetology establishments shall provide adequate and conveniently located restrooms, for use by patrons and operators. All schools shall provide two (2) or more restrooms to separately accommodate male and female students. All restrooms shall be provided with, at least, an operating toilet, a functional sink with hot and cold running water, soap (liquid or powder) and individual towels. Floors, walls, ceilings and fixtures shall be made of washable materials and kept clean and in good repair at all times.

(E) Cosmetology Establishments in Residences. Establishments located in buildings which are also used as residences must be separate and apart from living quarters by solid floor to ceiling partitions. The establishment must contain that equipment used in the practice of all classified occupations of cosmetology, and this equipment must be kept in the separated establishment area. Beds of any description are not permitted, nor shall any room(s) equipped for cosmetology establishments have any residential purposes.

1. Every establishment located in a building also used as a residence must have a separate entrance which shall not open off the living quarters. Doorways from within the establishment area shall be kept closed at all times.

2. All establishments which exist in buildings that also having living quarters must have restroom facilities located separate and apart from the living quarters. Restroom facilities shall be adequate and conveniently located for use by patrons and operators. All lavatories shall be provided with hot and cold running water, soap (liquid or powder) and paper towels and shall be kept clean and in good repair.

3. Establishments located in buildings which are also used as residences shall comply with all requirements contained in 20 CSR 2085-11.020, in addition to complying with the specific requirements of this subsection.

(F) Washing Machines and Dryers. Any washing machine or clothes dryer shall be located in a separate room apart from the working area.

(2) Sanitation Requirements.

(A) Protection of the Patron.

1. Headrests shall be covered with a clean towel or paper protector for each usage.

2. Clean towels shall be used for each patron. A closed cabinet or drawer shall be provided for clean towels and linens.

3. Soiled towels shall be placed in a closeable, leakproof container immediately upon completion of use.

4. A new laundered towel or neck strip shall be placed around each patron's neck to prevent cape or hair cloth from touching skin.

5. Implements and instruments shall be sanitized after use on each patron.

(B) Animals. No animals shall be permitted in any cosmetology establishment or school or retail cosmetic sales counters at any time except service animals whose whole purpose is to provide assistance while obtaining services.

(C) Storage and Use of Powders, Creams, Emollients, Etc. For areas where all classified occupations of cosmetology are practiced, including retail cosmetic sales counters, open powder boxes and common powder puffs are forbidden. Powder must be used from shakers or other similar dispensing devices. Creams, emollients, and the like shall be removed from containers with clean, sanitized spatulas or may be dispensed on a sterile cotton swab. All containers shall be covered when not in use.

(D) Disinfecting and Storing Implements. All implements (instruments or tools) used in cosmetology establishments and schools, including scissors, clips, blades, rods, brushes, combs, etc. shall be thoroughly cleansed after each use. All implements which may come in contact directly or indirectly with the skin of the patron shall be disinfected with an Environmental Protection Agency (EPA)-registered disinfectant, which may be a spray solution. The label on the disinfectant shall show that it is EPA-registered with demonstrated bactericidal (disinfectant), virucidal, and fungicidal activity and shall be used according to the manufacturer's instructions. All implements shall be completely immersed in the solution or, if not capable of immersion, thoroughly dipped in the solution for a period of not less than five (5) minutes. Implements shall either be stored in the solution or removed and stored in a dust-tight cabinet, covered container or drawer at all times when not in use. The dust-tight cabinet, covered container or drawer shall be kept free of other items not capable of being disinfected. Implements shall be permitted to air dry.

(E) Disease Control. Except as otherwise provided by the Americans With Disabilities Act, a licensee, apprentice, student or retail cosmetic salesperson providing cosmetology services with a communicable disease shall take all proper precautions to prevent the spread of the disease to any person while practicing barbering, cosmetology or acting as a salesperson. A licensee, apprentice or student attending a patron known by the licensee, apprentice or barber to have a communicable disease shall also take all proper precautions to prevent the spread of the disease to any person, except as otherwise provided by the Americans With Disabilities Act. Disposable gloves shall be worn by any licensee, apprentice or student with open wounds, dermatitis, or other non-intact skin of the hands.

(F) Blood Spill Procedures. If a cut is sustained or a blood spill should occur, the following steps must be followed by the licensee, apprentice or salesperson:

1. Licensee, apprentice, student or salesperson cut/blood spill procedure:

A. Licensee, apprentice, student or salesperson must stop service immediately;

B. Clean cut area with soap (liquid or powder) and water and apply antiseptic. If necessary, liquid, spray or powder styptic may be applied to stop bleeding. Note: Do not allow containers, brushes or nozzles to touch or contact the wound—use an applicator as appropriate;

C. Cover injury with adhesive bandage;

D. If work area and/or equipment are soiled with blood, the licensee, student, apprentice or salesperson shall place disposable gloves or a finger guard on their hands and clean/disinfect the area and soiled objects;

E. Dispose of all contaminated objects and disposable gloves in a covered waste receptacle and clean hands with an antimicrobial cleanser; and

F. Place a clean disposable glove on if cut is sustained on the hand.

2. Patron cut/blood spill procedure:

A. Licensee or student must stop service immediately;

B. Licensee or student must place disposable gloves on hands;

C. Cleanse cut area of patron, apply antiseptic and/or liquid styptic or spray styptic, as necessary. Note: Do not allow container or nozzles to touch or contact the wound—use an applicator as appropriate;

D. Cover cut area with adhesive bandage as indicated;

E. If work area and/or equipment are soiled with blood, licensee or student barber shall disinfect work area and/or blood spill area and dispose of or disinfect all contaminated objects; and

F. Remove and dispose of all contaminated objects and disposable gloves and clean hands with an antimicrobial cleanser.

(G) Personal Cleanliness. Every operator, instructor or instructor trainee shall wear only washable clothing while working in a cosmetology establishment or school. All students and apprentices in any school or cosmetology establishment shall wear washable clothing while in attendance.

(H) Training Kit. No student or apprentice shall be permitted to take his/her training kit from the school or cosmetology establishment while in training.

(I) Covered Waste Receptacles. Any cosmetology establishment or school shall be required to have covered waste receptacles for the disposal of hair. Hair clippings shall be swept up and disposed of in a covered waste receptacle after each patron.

(J) No cosmetology licensee shall provide any cosmetology services that involve the use of any liquid product containing methyl methacrylate (MMA). Licensees are responsible for ensuring that their nail service products do not contain MMA as a monomer agent for cosmetic nail applications or any other purpose. Products containing ethyl or butyl methacrylate are acceptable and may be used to provide nail services.

(K) Upon request from a board inspector or board representative, any licensee in any licensed barber or cosmetology establishment must be able to provide the Material Safety Data Sheet (MSDS) for all service products in the establishment to verify that the chemicals in those products are appropriate and safe for public use.

AUTHORITY: section 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately seventeen thousand forty-six dollars (\$17,046) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and

are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately \$6,298,210 annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 11 - Sanitation Rules - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-11.020 Cosmetology Sanitation Rules

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$17,046

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to conduct inspections, respond to inquiries, and entering data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to inspections and the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement - 2%
Personal Service	\$0	\$4,853
Expense & Equipment	\$0	\$2,389
Transfers	\$0	\$9,804
TOTAL	\$0	\$17,046

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2085 - State Board of Cosmetology and Barber Examiners****Chapter 11 - Sanitation Rules-Barber and Cosmetology****Proposed Rule - 20 CSR 2085-11.020 Cosmetology Sanitation Rules**

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
8342	New Cosmetology Establishment (fan @ \$10)	\$83,420
8342	New Cosmetology Establishment (functional sink @ \$495)	\$4,129,290
8342	New Cosmetology Establishment (supplies @ \$250)	\$2,085,500
Estimated Annual Cost of Compliance for the Life of the Rule		\$6,298,210

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections. The sanitation rules set forth in the rule strictly apply to full service salons only.
2. Supplies include paper towels, soap, spatula/spoon, towels/neck stips, disinfectants, antiseptic, band aides, disposable gloves, styptic, and waste receptacles. For the purposes of this fiscal note the board estimates an applicant will spend approximately \$250 for these supplies.
3. Cost associated with restrooms are not included in this fiscal note due to varying contractor prices and contract geographic locations.
4. The cost for a function sink includes faucet, sink, running hot water line, and installation of vent to the drain. For the purposes of this fiscal note the board estimates an applicant will spend approximately \$495 for a functional sink.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and
Barber Examiners
Chapter 11—Sanitation Rules—Barber and Cosmetology**

PROPOSED RULE

**20 CSR 2085-11.030 Sanitation for Retail Cosmetic Sales
Counters**

PURPOSE: This rule establishes sanitary requirements for retail cosmetic sales counters.

(1) Sanitation Requirements for Retail Cosmetic Sales.

(A) Protection of the Customer.

1. Headrest shall be covered with a clean towel or paper protector for each usage.
2. Clean towels shall be used for each patron. A closed cabinet or drawer shall be provided for clean towels and linens.
3. Soiled towels shall be placed in a closeable, leakproof container immediately upon completion of use and disposable cloths must be discarded immediately after use.
4. A new towel or neck strip shall be placed around each customer's neck to prevent cape or cloth from touching skin.
5. Retail cosmetic salespersons shall sanitize their hands before and after assisting each customer.
6. All applicators and appliances shall be thoroughly cleansed after each use. All nondisposable applicators or implements which may come in contact directly or indirectly with the skin of the patron shall be sanitized as set forth in 20 CSR 2085-11.020(2)(D).
7. Retail cosmetic sales counters will be required to have covered waste receptacles for the disposal of waste or soiled products.

(2) Every retail cosmetic sales counter shall be available for inspection by members or representatives of the board during normal working hours or at reasonable times as requested by the board.

AUTHORITY: sections 329.025.1 and 329.035.3, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eight thousand five hundred twenty-three dollars (\$8,523) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one hundred dollars (\$100) annually per retail sales counter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 11 - Sanitation Rules - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-11.030 Sanitation for Retail Cosmetic Sales Counters**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$8,523

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to respond to inquiries.
- 2) Expense and equipment costs are incurred for board expenses relating to correspondence and law books.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement - 1%
Personal Service	\$0	\$2,426
Expense & Equipment	\$0	\$1,194
Transfers	\$0	\$4,902
TOTAL	\$0	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2085 - State Board of Cosmetology and Barber Examiners****Chapter 11 - Sanitation Rules-Barber and Cosmetology****Proposed Rule - 20 CSR 2085-11.030 Sanitation for Retail Cosmetic Sales Counters**

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
Unknown	Retail Cosmetic Sales Counters (supplies @ \$100/per counter)	\$100

**Estimated Annual Cost of
Compliance for the Life of the Rule** **\$100**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Due to the unknown number of cosmetic counters the above figures reflect the anticipated cost per retail shop that would be required to purchase supplies.
2. Supplies include towels, neck strips, paper towels, leakproof container, sanitizer, waste receptacles. For the purposes of this fiscal note the board estimates an applicant will spend approximately \$100 for these supplies.
3. For the purposes of this fiscal note, the board is estimating a per counter cost versus an aggregate amount to the unknown number of cosmetic counters throughout the state.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 12—Schools and Student Rules—Barber and
Cosmetology**

PROPOSED RULE

**20 CSR 2085-12.010 General Rules and Application
Requirements for All Schools**

PURPOSE: This rule establishes requirements applicable to all barber and cosmetology schools and school applicants.

(1) To operate a barber or cosmetology school in Missouri an applicant shall submit an application and applicable fee to the board at least sixty (60) days prior to the anticipated opening date of that facility. Applications to open a school shall be made on the forms provided by the board and may be obtained by writing the board at PO Box 1062, Jefferson City, MO 65102. The telephone number is (573) 751-0805 or (866) 762-9432 and the TDD number is (800) 735-2966.

(2) General Application Requirements. The board shall not consider any application to open a school unless it is fully completed, including supporting documents which must be attached to the application, with the applicable fee. The application shall be on a form approved by the board and shall contain the following information:

(A) Name and address of the owner(s) or lessor(s) and lessee(s) where appropriate;

(B) The school's complete mailing address;

(C) A copy of the proposed facility's floor plan, giving approximate dimensions and square footage;

(D) A list of the proposed equipment and training supplies by quantity and type for which barber school applicants shall include the minimum equipment and supplies required by 20 CSR 2085-12.020(2)(C) or, for cosmetology school applicants, shall include the minimum equipment and supplies required by 20 CSR 2085-12.040(2);

(E) A list detailing all implements and equipment that will be included in student kits;

(F) A list of the proposed school rules;

(G) The requisite fee;

(H) A brief description of the course curriculum, including the number of clock hours, credit hours or similar units of measure, whichever is applicable, to be assigned to each subject area;

(I) A sample lesson plan for each course in the curriculum, which must include those courses required by Chapters 328 and/or 329, RSMo, and the rules of the board, for the school license requested;

(J) The maximum enrollment allowed for the facility based on square footage;

(K) A copy of the student contract which shall comply with the following:

1. Student contracts submitted and used by barber school applicants must include a notice to the student that no less than one thousand (1,000) hours of training in a licensed school is required for that student to sit for the state barber examination; and

2. Student contracts submitted and used by cosmetology school applicants must include a notice to the student that no less than one thousand five hundred (1,500) hours of training in a licensed school or no less than one thousand two hundred twenty (1,220) hours of training in a licensed public vocational-technical school are required for cosmetology, and no less than four hundred (400) hours of training in any licensed school are required for manicuring and no less than seven hundred fifty (750) hours training in any licensed school are required for estheticians for that student to be eligible to sit for

the board examination;

(L) The name and address of each licensed instructor to be employed;

1. Any barber school having only one (1) instructor per fifteen (15) students shall state in their application the name and address of a substitute instructor who will be available; and

2. Any cosmetology school having only one (1) instructor per twenty-five (25) students shall state in their application the name and address of a substitute instructor who will be available; and

(M) Two (2) or more letters of reference for the applicants.

(3) Application Approval. Upon receipt of a properly completed application, the board, within a reasonable time, will arrange an appointment at the next regularly scheduled meeting of the board to discuss the proposed school provided, however, the application is received by the board no less than fourteen (14) days before the next meeting. If the application is received less than fourteen (14) days before the next meeting, then an appointment will be scheduled at the following meeting to discuss the proposed school.

(A) After the meeting between the applicant and the board, the board will decide to preliminarily approve or deny a license for the proposed facility no later than ninety (90) days after the board's receipt of the properly completed application, unless additional information is needed or additional time is required for the board to review the application submitted.

(B) If the board decides not to preliminarily approve the application, the applicant will be promptly notified in writing of the specific reasons for denial. Final approval of a school by the board will be made upon final inspection and approval of the proposed facility. The purpose of the final inspection is to approve or disapprove the condition of the school, to ensure the facility has all required equipment and is in compliance with the floor plan preliminarily approved by the board.

1. A school license will only be issued to applicants who are in compliance with the rules of the board and provisions of law applicable to the school sought to be licensed.

2. After final approval is given by the board, a license will be sent to the applicant. No barber or cosmetology school shall be opened in Missouri prior to receipt of its license from the board.

(4) Barber School Floor Plans. The floor plan submitted with an application for licensure as a barber school shall include the following:

(A) A reception area;

(B) A classroom for theory instruction with a reference library;

(C) A work station for each student for practical instruction which shall include a shampoo bowl, backbar, dust-tight cabinet or drawers, mirror not less than thirty inches (30") in diameter, and barber chair with headrest. Barber chairs shall be mechanically sound with a non-porous covering in good condition. Chairs shall be placed at least five feet (5') apart and each chair shall occupy not less than thirty-five (35) square feet of floor space. There shall be electrical outlets between every two (2) chairs;

(D) Two (2) or more restrooms that separately accommodate male and female students including sink with hot and cold running water, soap (liquid or powder) and paper towels;

(E) A dispensary for the preparation, mixing, storage, and disposal of supplies and chemicals used for disinfecting barbering implements;

(F) Manager(s) office;

(G) A student break room; and

(H) A janitor's closet for cleaning supplies.

(5) License Changes. Each license for a school issued by the board shall be valid only for the premises named and located at the address provided in the initial school license application. If at any time during the license period, the physical plant or operation of a school is moved to a new address, if ownership is transferred, or if substantial

interest fifty-one percent (51%) or more of a partnership or corporation is altered in a way as to affect the registered ownership, then the license for the school shall become void. It shall be the responsibility of the holder of the license of the school to notify the board of any changes.

(A) Change of Location. If the physical plant or operation of a school is to be moved to a new address, it shall be the responsibility of the school owner(s) to submit an application to open a school at a different location and the applicable fee to the board and meet all the requirements to obtain a license to operate the school prior to reopening at the new location.

1. The school owner shall submit a change of location application which shall include:

A. The name and address of the owner(s) or lessor(s) and lessee(s) where appropriate;

B. The school's complete mailing address;

C. A copy of the proposed facility's floor plan, giving approximate dimensions and square footage;

D. A list of the proposed equipment and training supplies by quantity and type which for barber school applicants shall include the minimum equipment and supplies required by 20 CSR 2085-12.020(2)(C) or, for cosmetology school applicants, shall include the minimum equipment and supplies required by 20 CSR 2085-12.040(2);

E. A list detailing all implements and equipment that will be included in student kits;

F. A list of the proposed school rules;

G. The requisite fee;

H. The maximum enrollment allowed for the facility based on square footage;

I. A copy of the student contract which shall comply with the applicable requirements of 20 CSR 2085-12.010(2)(K); and

J. The name and address of each licensed instructor to be employed, including the name and address of any substitute instructor as required by 20 CSR 2085-12.010(2)(L).

2. Final approval of a school by the board, based on a change of location, will be made upon final inspection of the establishment.

(B) Change of Ownership. It shall be the responsibility of the new owner(s) to submit an application to open a school and the applicable fee to the board and to meet all requirements to obtain a license to operate a school.

1. If there is to be a change in a substantial interest of a partnership or corporation which affects the registered ownership, the owner(s) shall make application in accordance with the rules of the board.

2. If there is to be a change in a minority interest of a partnership or corporation which does not affect the registered ownership, it shall be the responsibility of the holder(s) of the school license to submit a sworn affidavit to the board as notification of the change and to supply a full listing of partners/shareholders and ownership percentages of each.

3. Adding a co-owner. It shall be the responsibility of the co-owners to submit an application to open a school and the applicable fee to the board to obtain a license to operate a school.

4. Deleting a co-owner. It shall be the responsibility of the co-owners to immediately notify the board of any ownership change. The written notice shall serve as documentation of the change and a new application and fee shall not be required.

(C) Name Change of School. Notwithstanding any other rule promulgated by the board, the owners of the school shall notify the board immediately in writing of a change in a school name. The name change may be made on the renewal application for the school. Alternatively, the name change may be made during the license period if the owner(s) submit a change of name request on a form supplied by the board along with the school's license and the duplicate license fee. No school shall use any name prior to complying with the rules of the board for changing a school name and submitting all applicable fees.

(D) Termination of Operations. Any school voluntarily terminating its operation shall inform the board in writing prior to the anticipated closing date and in addition, properly terminate its students as set forth in section (9) of this rule, return all unused materials supplied by the board and supply the board with an address and telephone number where an authorized representative of the school can be contacted for additional information after the closing of the school.

(6) Inspections.

(A) A member, representative, or inspector of the board shall inspect the school prior to annual renewal and the school shall be in compliance with all applicable Missouri laws and rules of this board.

(B) Each school licensed in Missouri must be open to the members, representatives, or inspectors of the board for inspection at all times during normal working hours or at reasonable times as requested by the board. Every school licensed by the board shall have a complete student kit and a set of all textbooks available for inspectors to view at the time of inspection.

(7) Renewals.

(A) Each holder of a valid, current license to operate a school in Missouri shall, on or before the renewal date, submit an application for renewal of the school license and shall accompany it with the biennial renewal fee and shall provide the following information:

1. Name and address of the owner(s) or lessor(s) and lessee(s) where appropriate;

2. The school's complete mailing address;

3. A list detailing all implements and equipment that will be included in student kits;

4. The requisite fee;

5. The maximum enrollment allowed for the facility based on square footage; and

6. The name and address of each licensed instructor to be employed; provided, any school having less than the minimum number of instructors as required by the rules of the board for the school to be licensed shall also state the name and address of a substitute instructor who will be available.

(B) The holder(s) of a school license which has not been renewed by the date shall be required to submit a late fee in addition to the biennial renewal fee in order to reinstate the license. The holder(s) of a school license failing to reinstate the license within fourteen (14) days following the board's mailing by certified mail of notice to the holder(s) shall be subject to disciplinary action, shall terminate all students enrolled in the school as set forth in subsection (9)(B) of this rule and may reapply for a school license in accordance with the provisions of section (2) of this rule.

(8) Satellite Classrooms.

(A) Purpose. Satellite classrooms may only be used for teaching purposes. Students are prohibited from providing services to or demonstrations on the public in a satellite classroom.

(B) Eligibility. Any licensed school may apply for the addition of a satellite classroom.

(C) Location. Satellite classrooms must be located within a one (1) mile radius of the existing school.

(D) Equipment and Floor Space.

1. Satellite classrooms shall be equipped with at least one (1) restroom for student use.

2. Satellite classrooms shall be equipped with a sufficient number of tables and chairs to accommodate the number of students in attendance in each class.

3. Schools shall post a sign on the outside of each entrance into a satellite classroom, which reads, "Satellite Classroom for Students and Licensed Instructors Only."

4. Satellite classrooms shall have a minimum of five hundred (500) square feet for classroom instruction for up to twenty (20) students. For each additional student, satellite classrooms must have at

least an additional fifty (50) square feet. Schools may not include the square footage of the satellite classroom to meet the minimum square footage requirements for the school licensed.

(E) In addition to the instructor requirements for the school licensed, there must be at least one (1) licensed instructor present in the satellite classroom anytime students are present.

(F) Inspection. Satellite classrooms are subject to inspection in the same manner as the existing school. Schools are required to post the satellite classroom license in plain view within the satellite classroom at all times.

(G) Application for Licensure. If a satellite classroom is to be added, it shall be the responsibility of the holder(s) of the school license prior to opening the satellite classroom to submit an application for the addition of a satellite classroom on a form supplied by the board accompanied by a floor plan of the satellite classroom giving dimensions and square footage, and the satellite classroom application fee; have the satellite classroom inspected and approved by the board; and have received the satellite classroom license from the board.

(9) Enrollment and Termination of Students.

(A) Students must be seventeen (17) years of age by the time application is made for the state examination.

(B) It shall be the responsibility of the holder of the license to operate a school to submit student enrollment forms to the board at least two (2) weeks prior to the anticipated commencement of a student's studies. The application shall be on a form approved by the board, be properly completed and accompanied by the appropriate fee(s). No student shall receive any credit for training received at a school until the application is received and approved by the board and the student license is returned to the school. The student license shall be conspicuously displayed with a two inch square (2" × 2") photograph taken within the last five (5) years and is not transferable.

(C) Terminations. All persons holding a license to operate a school shall be responsible for submitting properly completed termination forms for all students who terminate their training. School license holders are responsible for obtaining termination forms from the board.

1. Termination forms must be submitted within two (2) weeks of the date of student's termination. The date of a student's termination is either: 1) The date the student affirmatively indicates to the school his/her intent to terminate training; or 2) The last day of any two (2)-week period during which the student failed to attend a single class. However, a school shall not terminate a student for up to six (6) weeks if the student notifies the school in writing of his/her leave of absence and the student's anticipated date of return. If the student does not return on the anticipated date of return, the school shall automatically terminate the student on that date.

(D) Transfer of Students. Any student desiring to change schools shall contact the school in which he/she is currently enrolled and request termination. The school shall terminate the student as required by 20 CSR 2085-12.010(9)(C) within two (2) weeks of the student's request to be terminated.

(E) No student shall be permitted to remove his/her training kit from the school while in training.

(F) Definition of Training Hours.

1. For purposes of cosmetology schools and students, "training hours" is defined as the number of clock or credit hours of instruction and training a student obtained and for which the school maintained a record of those hours for instruction and training.

2. For purposes of barber schools and students, "training hours" is defined as the number of clock hours of instruction and training a student obtained and for which the school maintained a record of those hours for instruction and training.

(10) Instructors. Every holder of a license to operate a school shall be responsible for providing continuous and adequate supervision of

the school's students by licensed instructors at all times during regular school hours.

(A) It shall be the responsibility of the holder of a license to operate a school to ensure that each licensed instructor teaching in that school submits to the board a proposed lesson plan for each course that they teach. The lesson plan must be approved by the board prior to the course being taught.

(B) Any school which has only one (1) regular instructor employed and present during regular school hours shall submit proof to the board that a substitute Missouri licensed instructor will be available to that school to assume continuous and uninterrupted instruction. Satisfactory proof shall be demonstrated by submitting an affidavit to the board, a contract of agreement, or other evidence found to be adequate and trustworthy, that verifies that a licensed Missouri substitute instructor will be available.

(C) To insure the adequate preparation of its students, every school shall allow its instructors to perform only bona fide demonstrations on members of the general public. A bona fide demonstration is one performed for the instruction of students where one (1) or more students actually observe or participate in the work being performed by the instructor for no monetary compensation for the specific service(s) demonstrated.

(D) Instructor licenses shall be conspicuously displayed with a two inch square (2" × 2") photograph taken within the last five (5) years.

(E) Instructor trainees shall not be counted as licensed instructors for purposes of meeting the minimum instructor requirements of the board for the applicable school and under no circumstances shall an instructor trainee be left solely in charge of any school.

(11) External Training and Coursework.

(A) No portion of a student's minimum training requirements may be obtained in course work or demonstrations outside the school of his/her enrollment unless a specific request for such a program of instruction is submitted to the board office by the school on a form supplied by the board and approval is given prior to the requested program. The request for a program of instruction shall include: the place, date and time of the activity, the objective of the activity, the person/organization conducting the activity, the number of students to attend the activity and the names of the instructor(s) to supervise the activity.

(B) The executive director of the board may approve up to three (3) valid field trip requests, after which time further requests will be considered by the board at its regularly scheduled board meeting. Requests received less than fourteen (14) days prior to the next meeting shall be placed on the agenda for the following meeting.

(C) The required ratio of instructor supervision shall be maintained and student attendance at the activity verified. Credit shall not be given for time in transit to and from the activity.

(12) Minimum Standards for Accountability.

(A) School emphasis shall be placed on student training exclusively.

(B) Every school shall maintain an annual overall pass/fail rate of seventy percent (70%) for both written and practical portions of the licensure examination for each classification of the profession taught. If a school's pass/fail rate falls below seventy percent (70%) in a calendar year, the school will have thirty (30) days from the date of notification to submit a plan of action to the board. The pass/fail rate in question will be for first time candidates only. The pass/fail rate must increase by five percent (5%) the first year, then must meet or exceed that standard for the next two (2) years, or the school license shall be subject to discipline.

(13) Advertising. Signs shall be displayed in all schools stating that all work is done by students. Schools advertising prices for services must state that all work is done by students and the lettering of the advertisement stating that work is performed by students must be as large as the lettering used to denote the advertised prices.

(14) All services rendered to the general public in a school shall be performed by students. An instructor shall not operate a chair or serve customers in a school. All work performed by the student on a customer shall be inspected and approved by an instructor before the customer exits the school. Students shall not exit from classroom instruction or practical or written examinations to perform barbering or cosmetology services on customers.

(15) Physical Premises. The building and quarters that the school occupies shall be clean, well painted, well ventilated and adequately lighted with sufficient room.

(A) There shall be no smoking in instructional areas of the school.

(B) All implements and school equipment, including furniture and fixtures, shall be kept in good working order and repair.

(16) Failure of any school to comply with any applicable rule of the board shall be considered grounds for suspension or revocation of a license to operate a school.

(17) As used in the rules of the board, the term "school" shall also include a college of cosmetology or barber instruction.

AUTHORITY: sections 328.090, 328.120 and 329.025.1 and 329.040, RSMo Supp. 2006. Original rule filed Aug. 10, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eight thousand five hundred twenty-three dollars (\$8,523) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately eight thousand four hundred sixty-four dollars and ten cents (\$8,464.10) annually and forty-six thousand five hundred thirty-eight dollars and thirteen cents (\$46,538.13) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 12 - Schools and Student Rules - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-12.010 General Rules and Application Requirements for All Schools**

II. SUMMARY OF FISCAL IMPACT

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$8,523

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to inspections and the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement - 1%
Personal Service	\$0	\$2,426
Expense & Equipment	\$0	\$1,194
Transfers	\$0	\$4,902
TOTAL	\$0	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 12 - Schools and Student Rules - Barber and Cosmetology

Proposed Rule - 20 CSR 2085-12.010 General Rules and Application Requirements for All Schools

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Annual Cost of Compliance

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
1	Barber Schools (Application Fee @ \$500)	\$500
1	Barber Schools (Supporting Documentation @ \$75)	\$75
1	Barbers Schools (Supplies @ \$25)	\$25
0	Barber Schools (Change of Location @ \$500)	\$0
0	Barber Schools (Change of Ownership/Adding a Owner @ \$500)	\$0
5	Cosmetology Schools (School Application Fee @ \$500)	\$2,500
5	Cosmetology Schools (Supporting Documentation @ \$75)	\$375
5	Cosmetology Schools (Supplies @ \$25)	\$125
5	Cosmetology Schools (Notary @ \$2)	\$10
1	Licensees (Change of Location @ \$500)	\$500
3	Licensees (Change of Ownership @ \$300)	\$900
1	Licensees (Adding Co-Owner @ \$50)	\$50
10	Licensees (Postage @ \$.41)	\$4.10
4000	Students (Enrollment Termination - postage and copies of contract \$1)	\$4,000

Estimated Annual Cost of Compliance for the Life of the Rule **\$8,464.10**

Biennial Cost of Compliance

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
93	Licensees (Renewal @ \$500)	\$46,500
93	Licensees (Postage @ \$.41)	\$38.13
Estimated Biennial Cost of Compliance for the Life of the Rule		\$46,538.13

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. Supporting documentation includes floor plans, equipment and supply listings, lesson plans, contracts, and rules. For the purpose of this fiscal note, the board estimates and new school will spend approximately \$75 in copying fees.
3. Per Satelite Classrooms - The board estimates each table will cost approximately \$150 and each chair will cost \$25.
4. Due to various contract prices and various contract locations, estimates for restrooms are not included in this fiscal note.
5. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
6. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 12—Schools and Student Rules—Barber and
Cosmetology**

PROPOSED RULE

20 CSR 2085-12.020 Specific Requirements for Barber Schools

PURPOSE: This rule establishes requirements applicable specifically to barber schools.

(1) Instructors.

(A) Every barber school shall employ, and have present during regular school hours, a minimum of one (1) Missouri licensed instructor for every fifteen (15) students in attendance for a given class period.

(B) In addition to the requirements set forth in this rule, the school shall employ and have present during regular school hours a minimum of one (1) licensed instructor for every twenty (20) students in attendance for a given class period in a satellite classroom. If, at anytime, twenty-one (21) or more students are in attendance in the satellite classroom, at least two (2) licensed instructors must be present in the satellite classroom.

(2) Physical Facilities.

(A) A school owner may change the school floor plan during the term of licensure, provided that, the physical facilities of the school shall at all times include all of the items/areas required in the floor plan for initial applicants for a barber school license under this rule and 20 CSR 2085-12.010(4). A copy of the revised floor plan shall be submitted to the board within fifteen (15) days after the revised changes are made.

(B) The workroom floors of a barber school shall be either tiled or covered with linoleum or comparable floor covering and shall be clean and in good condition.

(C) A barber school shall have the following minimum equipment and supplies:

1. Instructional fixtures for instructor(s) and students, such as a chalkboard, anatomic chart, desks or tables and chairs;
2. A reference library for students containing at least a dictionary, current textbook, current Missouri law and rules governing barbering;
3. A work station for each student scheduled for practical instruction supplied with hot and cold running water;
4. A metal fire-resistant and locking filing cabinet for school and student records;
5. First aid dispensary;
6. Sanitary drinking facilities;
7. Chairs in reception area to accommodate patrons;
8. At least three (3) mannequins;
9. One (1) large closeable sanitary cabinet or container for clean towels;
10. One (1) large covered receptacle for soiled towels;
11. One (1) large covered receptacle for debris and hair;
12. Restroom facilities shall have hot and cold running water, soap (liquid or powder) and paper towels;
13. Each work station shall have at least one (1) liquid sanitizer;
14. A sufficient supply of tonics, lotions, shampoos, and chemical preparations used in processing hair and hair waving;
15. Ample supply of disposable gloves;
16. Ample supply of clean towels; and
17. At least one (1) electric latherizer for every ten (10) students.

(3) Training Kits. A barber school shall provide each student with a non-returnable training kit which shall include at least the following:

- (A) Textbook approved by the board;
- (B) Four (4) combs and three (3) brushes;
- (C) One (1) hair dryer;
- (D) One (1) straight razor with interchangeable blades;
- (E) One (1) pair of haircutting shears;
- (F) One (1) pair of thinning shears;
- (G) One (1) clipper with interchangeable blades sizes 1 and .000 or an adjustable clipper;
- (H) Two (2) washable smocks;
- (I) One (1) dozen wave rods;
- (J) One (1) hair pick; and
- (K) One (1) wig brush.

(4) Record Retention. A barber school shall use a time clock to maintain an actual record of the exact number of hours worked each day by each student. A school shall maintain current transcripts and records of each student enrolled, including the hours and dates of attendance and grades of all examinations.

(5) All barber schools shall be in compliance with 20 CSR 2085-11.010 and shall post the sanitation rules in a conspicuous place within the school.

AUTHORITY: sections 328.020, 328.090 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 10, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately five thousand five hundred thirty-nine dollars (\$5,539) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 12 - Schools and Student Rules - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-12.020 Specific Requirements for Barber Schools**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to inspections and the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure - 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
 Division 2085 - State Board of Cosmetology and Barber Examiners
 Chapter 12 - Schools and Student Rules - Barber and Cosmetology
 Proposed Rule - 20 CSR 2085-12.020 Specific Requirements for Barber Schools
 Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
1	Barber Schools (Supplies @ \$25)	\$25
1	Barber Schools (Equipment @ \$5514)	\$5,514
Estimated Annual Cost of Compliance for the Life of the Rule		\$5,539.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. Supplies include paper towels, soap, spatula/spoon, towels/neck strips, disinfectants, antiseptic, band aides, disposable gloves, styptic, waste receptacles. For the purposes of this fiscal note the board estimates an applicant will spend approximately \$25.

3. Equipment includes:

Barber Chair	\$1,000.00 per chair
Work station with bowl with back bar	\$700.00
Lockers/set of 6	\$400.00
metal fire resistant file cabinet	\$150.00
Sanitary drinking facilities	\$200.00
table	\$150.00
chair	\$25.00
blackboard	\$150.00
Visual Aides	\$250.00
Reference Library	\$150.00
Electric Latherizer	\$60.00
Tonic Lotions Shampoos and Perms	\$1,300.00 (\$50/every other week)
Disposable Gloves	\$60.00 (\$5/per month)
smocks	\$40.00 (\$20/per smock)
clipper	\$250.00
wig brush	\$5.00
thinning sheers	\$25.00
hair cutting shears	\$50.00
Combs	\$50.00
Hair dryer	\$20.00
Mannequins and holders	\$129.00 \$43/per mannequin and holder
Time Clock	\$350.00
	<u>\$5,514</u>

4. Cost for electrical outlets, restrooms, reception area, room for classroom instruction, workstation, dispensary, managers office, student break room and janitors closet are not included in this fiscal note due to various contractor rates and various geographic contractor locations.
5. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
6. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 12—Schools and Student Rules—Barber and
Cosmetology**

PROPOSED RULE

**20 CSR 2085-12.030 Curriculum Prescribed for Barber Schools/
Colleges**

PURPOSE: This rule establishes general requirements for barber school curriculum and teaching (instructor) requirements.

(1) Missouri barber schools shall provide a minimum of one thousand (1,000) hours of training over a period of not less than six (6) months. Apprenticeship training in Missouri shall provide a minimum of two thousand (2,000) hours of training for a period not to exceed five (5) years. The subjects and the minimum hours in each are listed in Columns A and B in this section.

Subject	Column A Minimum Hours Student	Column B Minimum Hours Apprentice
(A) History	5	10
(B) Professional Image	5	10
(C) Bacteriology	5	10
(D) Sterilization, Sanitation, and Safe Work Practices	20	40
(E) Implements, Tools, And Equipment	15	30
(F) Properties and Disorders of the Skin, Scalp, and Hair	15	30
(G) Treatment of Hair and Scalp	20	40
(H) Facial Massage And Treatments	5	10
(I) Shaving	35	70
(J) Haircutting	425	850
(K) Hairstyling	325	650
(L) Mustache and Beard Design	5	10
(M) Permanent Waving	30	60
(N) Chemical Hair Relaxing and Soft Curl Permanents	30	60
(O) Hair Coloring	30	60
(P) Hairpieces	5	10
(Q) Chemistry	5	10
(R) Anatomy and Physiology	5	10
(S) Salesmanship and Establishment Management	5	10
(T) State Law	10	20

(2) All barber students shall receive not less than one (1) hour of combined lectures and demonstrations each business day, excluding Saturday.

AUTHORITY: sections 328.090, 328.120 and 329.025(1), RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eight thousand five hundred twenty-three dollars (\$8,523) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 12 - Schools and Student Rules - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-12.030 Curriculum Prescribed for Barber Schools/Colleges

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$8,523

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to respond to inquiries.
- 2) Expense and equipment costs are incurred for board expenses relating to correspondence and law books.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement - 1%
Personal Service	\$0	\$2,426
Expense & Equipment	\$0	\$1,194
Transfers	\$0	\$4,902
TOTAL	\$0	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 12—Schools and Student Rules—Barber and
Cosmetology**

PROPOSED RULE

20 CSR 2085-12.035 Requirements for Barber Students

PURPOSE: This rule establishes qualifications and requirements for barber students.

(1) It shall be the responsibility of the school to submit to the board at least two (2) weeks prior to the anticipated date of student barber training the following:

(A) A completed student application for admission to barber training;

(B) Pursuant to section 328.080, RSMo, a medical examination form;

(C) Proof of age—copy of a birth certificate or driver's license (applicant must be seventeen (17) years of age by the time application is made for examination);

(D) Two (2) small two inch square (2" × 2") passport photographs of the student; and

(E) Applicable fee.

(2) Upon board approval of a student application for admission to barber training, the board shall issue to the school a student registration which shall be conspicuously posted at each student's work station.

(3) Upon a successfully completed course of barber training, provided the board is in receipt of a completed student transcript and student registration, the student may apply for the barber examination by submitting to the board at least fourteen (14) days prior to examination date, a completed application and applicable fee.

(4) Upon graduation from barber training, the student registration to work under the supervision of a licensed barber operating in a current licensed barber establishment may be extended by the board to ten (10) days following the date of the first available examination for licensure. Extended student registration shall be posted in front of the working chair. Extended student registration shall be received by the board upon its expiration.

(5) No training received in a school may be credited towards the fulfillment of the hours necessary in an apprenticeship program and no training received in a barber establishment may be credited towards the hours necessary in a school to meet the minimum requirements necessary to qualify for a state examination.

AUTHORITY: sections 328.120 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eight thousand five hundred twenty-three dollars (\$8,523) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: The proposed rule will cost private entities approximately four thousand eight hundred forty dollars (\$4,840) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to

increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 12 - Schools and Student Rules - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-12.035 Requirements for Barber Students**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$8,523

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure -- 0%	Enforcement - 1%
Personal Service	\$0	\$2,426
Expense & Equipment	\$0	\$1,194
Transfers	\$0	\$4,902
TOTAL	\$0	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 12 - Schools and Student Rules - Barber and Cosmetology

Proposed Rule - 20 CSR 2085-12.035 Requirements for Barber Students

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
172	Students (Enrollment Application Fee @ \$25)	\$4,300
1	Applicants (Foreign Cosmetology Training Verification @ \$125)	\$125
172	Applicants (Notary @ \$2)	\$344
172	Licensees (Postage @ \$.41)	\$71

**Estimated Annual Cost of
Compliance for the Life of the Rule** **\$4,840**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 12—Schools and Student Rules—Barber and
Cosmetology**

PROPOSED RULE

**20 CSR 2085-12.040 Specific Requirements for Cosmetology
Schools**

PURPOSE: This rule establishes the licensing procedure and requirements for schools of cosmetology.

(1) The holder(s) of the cosmetology school license shall employ and have present during regular school hours a competent licensed instructor for every twenty-five (25) students in attendance for a given class period.

(2) Minimum Equipment and Training Supplies. All schools of cosmetology teaching the occupations of Class-CA or Class-CH cosmetology, as defined in section 329.010(5), RSMo, in Missouri shall have on hand and maintain in good working condition at all times the following equipment and training supplies:

- (A) One (1) large dispensary;
- (B) Twenty (20) lockers;
- (C) Two (2) or more restrooms to separately accommodate male and female students;
- (D) A metal fire-resistant and locking filing cabinet for school and student records;
- (E) Sixteen (16) dresserettes, mirrors and chairs;
- (F) Ten (10) hair dryers and chairs;
- (G) Two (2) facial chairs;
- (H) Tables and chairs sufficient for the number of students in attendance;
- (I) Sterilizers.

1. Five (5) large wet sterilizers or individual wet containers in each station of the clinic that are large enough to cover combs and brushes (each shall contain a wet sterilizing agent).

2. Three (3) dry sterilizers or individual dry containers in each station of the clinic that are large enough to hold combs and brushes clear and free of unsterilized items and tool;

(J) Six (6) shampoo bowls equipped with hot and cold running water plus chairs;

(K) Cold wave equipment sufficient for twenty (20) permanents on all sized rods;

(L) Four (4) manicure tables, stools and manicure equipment sets;

(M) First-aid facilities;

(N) Visual aids on the circulatory system, bones, muscles, nerves, anatomy, pH scale and history of hair and nails;

(O) One (1) Complete Visual Aid Teaching System. This visual aid teaching system may include, but is not limited to, the following items: video recorder, overhead projector, film projector, educational films and screen;

(P) One (1) large blackboard;

(Q) Sanitary drinking facilities;

(R) One (1) time clock for student hours or a reliable record keeping system for tracking and recording student hours;

(S) Twenty (20) mannequins plus working tables for same;

(T) A reference library for students containing the following suggested materials:

1. Textbooks on the theory in cosmetology for each student, textbooks on cosmetology establishment management and buying, textbooks on psychology of salesmanship a collegiate dictionary, a beauty culture dictionary and trade magazines. All textbooks must be current.

2. Textbooks, if necessary for coursework, for each student. Student shall receive textbooks necessary for coursework within forty-eight (48) hours of the start date of the course for which the textbook is needed. Textbooks provided must be current and new; photocopies are not acceptable;

(U) A janitor's closet for all cleaning supplies;

(V) One (1) large closeable sanitary container for clean towels;

(W) One (1) large closeable container for soiled towels;

(X) One (1) closeable container for hair clippings; and

(Y) Individual student kit materials for each student enrolled which shall include thermal equipment.

1. All implements and equipment contained in the student kits must be new.

2. Students shall receive student kits prior to the completion of their training.

3. All kits shall be kept clean and remain free of unsterilized items and tools.

4. No student shall be permitted to remove his/her training kit from the school or cosmetology establishment while in training.

(3) All students in a cosmetology school shall wear washable clothing while in attendance.

(4) Training and Calculation of Hours. This rule clarifies hour requirements as authorized in section 329.040, RSMo.

(A) Minimum—Maximum Hours Accepted.

1. Each school or public institution shall define, for its own purposes, what constitutes a full-time, part-time or evening student or instructor trainee but will be required to designate one (1) of these classifications for each individual enrolled in its program of study.

2. All students and instructor trainees shall be enrolled in a course of study of no less than three (3) hours per day and no more than twelve (12) hours per day with a weekly total that is no less than fifteen (15) hours and no more than seventy-two (72) hours.

3. No training hours may be counted towards satisfaction of more than one course of study or classification in a Missouri cosmetology school, however, nothing stated herein prohibits the transfer of training hours between Class CH-hairdressing and Class CA-hair-dressing and manicuring course of study.

4. No training received in a school may be credited towards the fulfillment of the hours necessary in an apprenticeship program and no training received in a beauty cosmetology establishment may be credited towards the hours necessary in a school to meet the minimum requirements necessary to qualify for a state examination.

(5) Change of Status. No student, instructor trainee or apprentice shall be permitted to change his/her designated status of enrollment except by the submission of a properly completed change of status form to the board in accordance with 20 CSR 2085-12.060(1)(C).

(6) Any school which teaches all of the classified occupations of cosmetology in Missouri shall employ and have present in the school a minimum of one (1) licensed instructor for every twenty-five (25) students in attendance for a given class period provided that one (1) to ten (10) additional students may be in attendance with the assistance of an instructor trainee. Instructor trainees shall not be considered students for purposes of this requirement. Additionally, any school which teaches all of the classified occupations of cosmetology in Missouri shall employ and have present in the school a minimum of one (1) licensed instructor for every three (3) instructor trainees in attendance for a given class period.

AUTHORITY: sections 329.025.1 and 329.040, RSMo Supp. 2006. Original rule filed Aug. 10, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eight thousand five hundred twenty-three dollars (\$8,523) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with

inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one hundred twelve thousand five hundred eighty dollars (\$112,580) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 12 - Schools and Student Rules - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-12.040 Specific Requirements for Cosmetology Schools

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$8,523

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to inspections and the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement - 1%
Personal Service	\$0	\$2,426
Expense & Equipment	\$0	\$1,194
Transfers	\$0	\$4,902
TOTAL	\$0	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 12 - Schools and Student Rules - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-12.040 Specific Requirements for Cosmetology Schools
 Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
5	Cosmetology Schools (Supplies @ \$25)	\$125
5	Cosmetology Schools (Equipment @ \$22,491)	\$112,455

Estimated Annual Cost of Compliance for the Life of the Rule **\$112,580.00**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. Supplies include paper towels, soap, spatula/spoon, towels/neck strips, disinfectants, antiseptic, band aides, disposable gloves, styptic, waste receptacles. For the purposes of this fiscal note the board estimates an applicant will spend approximately \$25.
3. Equipment includes:

Work station with bowl	\$700.00
(20) Lockers/set of 6	\$1,600.00 (\$400/per set of 6 lockers)
Restroom	\$1,000.00
metal fire resistant file cabinet	\$150.00
Sanitary drinking facilities	\$200.00
(16) dresserette with mirror	\$8,000.00 (\$500/per dresserette)
chair for dresserette	\$375.00
(10) hair dryer	\$1,750.00 (\$175/per hair dryer)
(10) chair for hair dryer	\$1,000.00 (\$100/per chair)
(2) facial chairs	\$400.00 (\$200/per chair)
(4) tables	\$600.00 (\$150/per table)
(2) chairs	\$50.00 (\$25/per chair)
wet containers	\$48.00
dry containers	\$160.00
(6) shampoo bowls with chairs	\$1,650.00 (\$275/per shampoo bowl and chair)
cold wave equipment	\$50.00
(4) manicuring table	\$500.00 (\$125/per table)
(4) manicuring stool	\$200.00 (\$50/per stool)
(10) manicuring set	\$100.00 (\$10/per set)

first aid kit	\$40.00
visual aides	\$250.00
Visual aide teaching system	\$1,550.00
Time Clock	\$350.00
(20) Mannequins and holders	\$860.00 (\$43/per mannequin and holder)
Reference Library	\$150.00
Cleaning Supplies	\$100.00
(2) Sanitary containers	\$200.00 (\$100/per container)
trash can for hair clippings	\$8.00
Cosmetology Student kits	\$300.00
	<u>\$22,491.00</u>

4. Cost for electrical outlets, restrooms, reception area, room for classroom instruction, workstation, dispensary, managers office, student break room and janitors closet are not included in this fiscal note due to various contractor rates and various geographic contractor locations.
5. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
6. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and
Barber Examiners**

**Chapter 12—Schools and Student Rules—Barber and
Cosmetology**

PROPOSED RULE

**20 CSR 2085-12.050 Curriculum Prescribed for Cosmetology
Schools**

PURPOSE: This rule establishes the curriculum requirements prescribed for cosmetology schools, to be consistent with Chapter 329, RSMo.

(1) School Requirements.

(A) Minimum Training Requirements.

1. The subjects and the minimum hours in each subject for the cosmetology programs in private schools and for the esthetician and manicuring programs in all schools are set forth in section 329.040, RSMo.

2. All public vocational-technical schools of cosmetology in Missouri shall provide a minimum of one thousand two hundred twenty (1,220) hours of training for cosmetology over a period of not less than six (6) months in the appropriate subjects. The subjects and the minimum hours in each are listed in Column A of paragraph (1)(A)3. of this section.

3. All programs of apprenticeship training in Missouri shall provide a minimum of three thousand (3,000) hours of training for cosmetology, a minimum of fifteen hundred (1,500) hours of training for esthetician, or a minimum of eight hundred (800) hours of training for manicuring. The subjects and the minimum hours in each are listed in Columns B, C, and D in this paragraph.

Subject	Column A Vo-Tech Student	Column B Cosmetologist Apprentice	Column C Manicurist Apprentice
Shampooing of all kinds	40	80	
Hair coloring, bleaches and rinses	130	260	
Hair cutting and shaping	130	260	
Permanent waving and relaxing	150	250	
Hair setting, pin curls, fingerwaves, thermal curling	230	450	
Combouts and hair styling techniques	105	210	
Scalp treatments and scalp diseases	30	60	
Facials, eyebrows and arches	40	80	
Manicuring hand and arm massage, and treatment of nails	110	220	440
Cosmetic chemistry	25	50	
Salesmanship and establishment management	10	20	40
Sanitation and sterilization	30	60	40
Anatomy	20	40	20
State law	10	20	20
Study of the use and application of certain chemicals			80

Misc. lectures and test review	160	940	140
Total	1,220	3,000	800

Subject	Column D Esthetician Apprentice
Facials, cleansing, toner, massaging	240
Makeup application, all phases	200
Hair removal	60
Body treatments, aroma therapy, wraps	240
Reflexology	70
Cosmetic sciences, structure, condition, disorder	170
Cosmetic chemistry, products and ingredients	150
Cosmetology establishment management and salesmanship	110
Sanitation and sterilization, safety	90
State law	20
Misc. lectures and test review	150
Total	1,500

AUTHORITY: sections 329.025.1 and 329.040, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eight thousand five hundred twenty-three dollars (\$8,523) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 12 - Schools and Student Rules - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-12.050 Curriculum Prescribed for Cosmetology Schools**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$8,523

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to respond to inquiries.
- 2) Expense and equipment costs are incurred for board expenses relating to correspondence and law books.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 1%
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Expense & Equipment	\$0	\$1,194
Transfers	\$0	\$4,902
TOTAL	\$0	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2-- Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3-- Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4-- Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 12—Schools and Student Rule—Barber and
Cosmetology**

PROPOSED RULE

20 CSR 2085-12.060 Requirements for Cosmetology Students

PURPOSE: This rule establishes qualifications and requirements for cosmetology students.

(1) Registration.

(A) Any person desiring to enroll in a school of cosmetology shall contact the school of intended enrollment and obtain an enrollment form supplied by the board. At least two (2) weeks prior to the commencement of any program of instruction, that person shall return the completed enrollment form to the school of intended enrollment and, if the student is accepted, that school shall approve it and submit it to the board. The form shall be accompanied by the proper fee(s) and include the following information:

1. The applicant's name and address;
2. The name and address of the school or cosmetology establishment of enrollment;
3. Proof of age—copy of a birth certificate or driver's license (applicant must be seventeen (17) years of age by the time application is made for examination);
4. Proof of successful completion of the tenth grade (completion of at least ten (10) high school credits as defined by law)—diploma, general educational development (GED) certification or official school transcript indicating student's name, grade level and number of credits completed. All foreign documents or documents not in the English language must be certified by a board approved credential evaluating service;
5. Two (2) or more character references;
6. Two (2) United States passport photographs measuring two inches by two inches (2" × 2") which have been taken within the last five (5) years;
7. Signature of applicant; and
8. Signature of school owner/representative and school seal.

(B) No person shall be given credit for any training received by a school until a properly completed student enrollment form has been received and approved by the board and a student license is returned to the school or cosmetology establishment. The student license shall expire on the expiration date. A new application shall be submitted should the student or apprentice wish to continue training beyond the expiration date.

(C) Change of Status. For any student desiring to change the course in which he/she is currently enrolled or who wishes to obtain additional hours beyond the hours required by the board (even if license is still within the five (5)-year limit), he/she will be required to apply to the board for a change of status. Any other alteration (such as change of school and/or location) will require a termination. A student license will be good for a maximum of five (5) years from the date of issuance of the license at that location, unless terminated from the school. An application for change of status shall be made to the board on a form supplied by the board. The form shall be accompanied by the student license and the enrollment application fee and shall be postmarked no later than three (3) days from the effective date of the change of status. The change of status application shall include an interim certificate which shall be valid for twenty (20) days from the date of application and shall be retained by the school to serve as the training license for the student until the amended license is received from the board.

(2) Transfer of Students.

(A) Any student desiring to change schools shall contact the school in which he/she is currently enrolled and request termination. The school shall terminate the student as required by 20 CSR 2085-12.010(9)(C) within two (2) weeks of the student's request to be terminated. After the proper termination papers and the student license have been received by the board, the student may make application for enrollment with another school in accordance with this rule and 20 CSR 2085-12.060(1).

(B) For the purposes of meeting the minimum requirements for examination, training completed by a student who has transferred between schools or has had a lapse of time between enrollments in the same school shall be recognized by the board for a period of no more than five (5) years from the date it was received.

(3) All students in any cosmetology school shall wear washable clothing while in attendance.

(4) No training received in a school may be credited towards the fulfillment of the hours necessary in an apprenticeship program and no training received in a beauty cosmetology establishment may be credited towards the hours necessary in a school to meet the minimum requirements necessary to qualify for a state examination.

AUTHORITY: sections 329.025.1, 329.040 and 329.050, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eight thousand five hundred twenty-three dollars (\$8,523) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately \$2,103,389 annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 12 - Schools and Student Rules - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-12.060 Requirements for Cosmetology Students

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$8,523

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement - 1%
Personal Service	\$0	\$2,426
Expense & Equipment	\$0	\$1,194
Transfers	\$0	\$4,902
TOTAL	\$0	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 12 - Schools and Student Rules - Barber and Cosmetology

Proposed Rule - 20 CSR 2085-12.060 Requirements for Cosmetology Students

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
3933	Applicants (Establishment Enrollment Fee @ \$25)	\$1,966,500
1000	Applicants (Foreign Cosmetology Training Verification @ \$125)	\$125,000
4933	Applicants (Notary @ \$2)	\$9,866
4933	Licensees (Postage @ \$.41)	\$2,023

Estimated Annual Cost of Compliance for the Life of the Rule **\$2,103,389**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 12—Schools and Student Rules—Barber and
Cosmetology**

PROPOSED RULE

20 CSR 2085-12.070 Manicuring Schools

PURPOSE: This rule establishes the licensing procedure and requirements for schools of manicuring.

(1) Except as provided by this rule, schools of manicuring shall comply with 20 CSR 2085-12.010 sections (1)–(3) and sections (5)–(17) and 20 CSR 2085-12.040(1) and sections (3)–(6).

(2) Floor Space Required. Every school of manicuring in Missouri shall have a minimum of one thousand (1,000) square feet for classroom, clinic and supportive areas. Schools which have an enrollment of ten (10) or fewer students shall have a minimum of six hundred twenty-five (625) square feet for clinical instruction and a minimum of two hundred fifty (250) square feet allocated for classroom instruction. Additional floor space required for additional students over ten (10) shall be no less than fifty (50) square feet for each additional student. Satellite classrooms must have a minimum of five hundred (500) square feet for classroom instruction for up to twenty (20) students. For each additional student, satellite classrooms must have at least an additional fifty (50) square feet.

(3) Minimum equipment and training supplies for manicuring schools shall be:

- (A) One (1) large dispensary;
- (B) One (1) locker per student;
- (C) Two (2) or more restrooms to separately accommodate male and female students;
- (D) A metal fire-resistant and locking filing cabinet for school and student records;
- (E) One (1) sink with hot and cold running water per each ten (10) students;
- (F) One (1) manicuring table with stool and equipment set per student;
- (G) Sterilizers.
 - 1. Three (3) large wet sterilizers or individual wet containers in each station of the clinic that are large enough to cover all needed implements (each shall contain a wet sterilizing agent).
 - 2. Two (2) individual containers in each station of the clinic that are large enough to cover all needed implements; each shall be kept clear and free of unsterilized items and tools;
 - 3. All kits shall be kept clean and remain free of unsterilized items and tools;
- (H) First-aid facilities;
- (I) Five (5) classroom tables and ten (10) chairs for practice and theory;
- (J) One (1) time clock for student hours or a reliable record keeping system for tracking and recording student hours;
- (K) Closeable sanitary containers for clean and soiled towels;
- (L) Visual aids on the circulatory system, bones, muscles, nerves, anatomy, pH scale and history of nails;
- (M) One (1) complete visual aid teaching system;
- (N) Large blackboard;
- (O) Sanitary drinking facilities;
- (P) A reference library for students containing the following materials: textbooks on theory in manicuring for each student, textbooks on cosmetology establishment management and buying, textbooks on psychology of salesmanship, a collegiate dictionary, a beauty culture

dictionary and trade magazines. Textbooks, if necessary for coursework, for each student. Textbooks provided must be new, photocopies are not acceptable. All textbooks shall be current. Students shall receive primary textbooks within forty-eight (48) hours of enrollment;

(Q) A janitor's closet for cleaning supplies; and

(R) Individual student manicuring kits to include all implements and materials necessary for complete manicure.

(4) Instruction. Students in a school of manicuring shall comply with all requirements of 20 CSR 2085-12.060.

AUTHORITY: sections 329.025.1, 329.040 and 329.050, RSMo Supp. 2006. Original rule filed Aug. 10, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately seven thousand nine hundred forty-eight dollars and forty-one cents (\$7,948.41) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 12 - Schools and Student Rules - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-12.070 Manicuring Schools

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to inspections and the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 -- Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure - 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 12 - Schools and Student Rules - Barber and Cosmetology

Proposed Rule - 20 CSR 2085-12.070 Manicuring Schools

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
1	Manicuring Schools (Supporting Documentation @ \$75)	\$75
1	Manicuring Schools (Supplies @ \$25)	\$25
1	Manicuring Schools (Equipment @ \$7,848)	\$7,848
1	Manicuring Schools (Postage @ \$.41)	\$0.41

Estimated Annual Cost of Compliance for the Life of the Rule **\$7,948.41**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. Supporting documentation includes floor plans, equipment and supply listings, lesson plans, contracts, and rules. For the purpose of this fiscal note, the board estimates an new school will spend approximately \$75 in copying fees.
3. Supplies include paper towels, soap, spatula/spoon, towels/neck strips, disinfectants, antiseptic, band aides, disposable gloves, styptic, waste receptacles. For the purposes of this fiscal note the board estimates an applicant will spend approximately \$25.
4. Equipment includes:

(20) Lockers/set of 6	\$1,600.00	\$400/per set of 6 lockers
metal fire resistant file cabinet	\$150.00	
Sanitary drinking facilities	\$200.00	
(5) tables	\$750.00	\$150/per table
(10) chairs	\$250.00	\$25/per chair
wet containers	\$48.00	
dry containers	\$160.00	
(10) manicuring table	\$1,250.00	\$125/per table
(10) manicuring stool	\$500.00	\$50/per stool
first aide kit	\$40.00	
visual aides	\$250.00	
Visual aide teaching system	\$1,550.00	
Blackboard	\$150.00	
Time Clock	\$350.00	
Reference Library	\$150.00	
Cleaning Supplies	\$100.00	
Sanitary containers (2)	\$200.00	
Manicuring Student Kit	\$150.00	
	\$7,848.00	

5. Cost for electrical outlets, restrooms, reception area, room for classroom instruction, workstation, dispensary, managers office, student break room and janitors closet are not included in this fiscal note due to various contractor rates and various geographic contractor locations.
6. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 12—Schools and Student Rules—Barber and
Cosmetology**

PROPOSED RULE

20 CSR 2085-12.080 Esthetic Schools

PURPOSE: This rule establishes application requirements for esthetic schools, floor space required for schools of esthetics and instruction for students, to be consistent with Chapter 329, RSMo.

(1) Except as provided by this rule, schools of esthetics shall comply with 20 CSR 2085-12.010 sections (1)–(3) and sections (5)–(17) and 20 CSR 2085-12.040(1) and sections (3)–(6).

(2) Floor Space Required. Every school of esthetics in Missouri shall have a minimum of one thousand (1,000) square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, and adequate library, two (2) restrooms and a clinical working area for ten (10) students. Minimum floor space requirement increases fifty (50) square feet per student with student enrollment of over ten (10).

(3) Instruction. Students in a school of esthetics shall comply with all requirements of 20 CSR 2085-9.060.

(4) Minimum Equipment and Training Supplies. Esthetic schools in Missouri shall have on hand and maintain in good working condition at all times the following equipment and training supplies:

- (A) One (1) large dispensary;
- (B) One (1) locker for each student;
- (C) Two (2) or more restrooms to separately accommodate male and female students;
- (D) Two (2) cabinets, one (1) metal fire-resistant and locking filing cabinet for school and student records and one (1) for cosmetic supplies;
- (E) Ten (10) dresserettes, mirrors, and chairs;
- (F) Two (2) stools and two (2) facial chairs and/or tables;
- (G) One (1) wet sterilizer for each station;
- (H) First-aid facilities;
- (I) One (1) complete visual aid teaching system;
- (J) One (1) large blackboard;
- (K) One (1) time clock for student hours or a reliable record keeping system for tracking and recording student hours;
- (L) Adequate inventory of cosmetics, materials, and supplies to meet the daily needs of clinic services;
- (M) Sanitary drinking facilities;
- (N) A reference library for students as provided in 20 CSR 2085-12.040(2) in addition to textbooks on theory in esthetics. Textbooks, if necessary for coursework, for each student. Textbooks provided must be new; photocopies are not acceptable. All textbooks shall be current.

1. Students shall receive primary textbooks within forty-eight (48) hours of start date;

- (O) A janitor's closet for all cleaning supplies;
- (P) One (1) large closeable sanitary container for clean towels;
- (Q) One (1) sink with hot and cold running water per ten (10) esthetic students;
- (R) Eight (8) classroom tables and sixteen (16) chairs for theory;
- (S) One (1) large closeable container for soiled towels; and
- (T) Individual student kit materials for each student enrolled which shall include the following materials: skin cleanser, skin freshener, foundation, concealer, blush, eye liner pencil, liquid or cream

mascara, wedge sponges, powder brush, contour brush, applicators, plastic spatulas, and esthetic textbook. All implements and materials contained in the student kits must be new.

(5) Students shall receive student kits prior to the completion of their training. All student kits shall be kept clean and remain free of unsterilized items and tools.

AUTHORITY: sections 329.025.1 and 329.040, RSMo Supp. 2006 and 329.030, RSMo 2000. Original rule filed Aug. 10, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately twenty-eight thousand two hundred forty dollars and eighty-two cents (\$28,240.82) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 12 - Schools and Student Rules - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-12.080 Esthetic Schools**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to inspections and the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 12 - Schools and Student Rules - Barber a

Proposed Rule - 20 CSR 2085-12.080 Esthetic Schools

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
2	Esthetic Schools (Supporting Documentation @ \$75)	\$150
2	Esthetics Schools (Supplies @ \$25)	\$50
2	Esthetic Schools (Equipment @ \$28,401)	\$28,036
2	Applicants (Notary @ \$2)	\$4
2	Licensees (Postage @ \$.41)	\$0.82

Estimated Annual Cost of
Compliance for the Life of the Rule **\$28,240.82**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
1. Supporting documentation includes floor plans, equipment and supply listings, lesson plans, contracts, and rules. For the purpose of this fiscal note, the board estimates a new school will spend approximately \$75 in copying fees.
2. Supplies include paper towels, soap, spatula/spoon, towels/neck strips, disinfectants, antiseptic, band aides, disposable gloves, styptic, waste receptacles. For the purposes of this fiscal note the board estimates an applicant will spend approximately \$2 for supplies.
3. Equipment includes:

(20) Lockers/set of 6	\$1,600	\$400/per set of 6 lockers
Restroom	\$1,000	
metal fire resistant file cabinet	\$150	
locked cabinet for cosmetic supplies	\$100	
Sanitary drinking facilities	\$200	
(10) dresserette with mirror	\$5,000	\$500/per dresserette
(10) chair for dresserette	\$375	
(2) facial chairs	\$400	
(8) tables	\$1,200	\$150/per table
(16) chairs	\$400	\$25/per chair
(10) wet containers	\$48	
(1) dry containers	\$160	
(2) stools	\$100	\$50/per stool
Sinks	\$250	
First aide kit	\$40	
Visual aide teaching system	\$1,550	
Blackboard	\$150	
Time Clock	\$350	
Reference Library	\$150	
Cosmetic Supplies	\$500	
(10) Textbook	\$70	
Large Closeable Container	\$100	
Esthetician Student Kits	\$125	
	\$14,018	

4. Cost for electrical outlets, restrooms, reception area, room for classroom instruction, workstation, dispensary, managers office, student break room and janitors closet are not included in this fiscal note due to various contractor rates and various geographic contractor locations.
5. Specific cost for licensing cosmetology schools is 20 CSR 2085-12.040.
6. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 12—Schools and Student Rules—Barber and
Cosmetology**

PROPOSED RULE

**20 CSR 2085-12.090 Cosmetology Instructor Training Schools
and Instructor Trainees**

PURPOSE: This rule establishes the requirements a school must meet to qualify for the instructor training program.

(1) No school shall be approved for instructor training unless one (1) instructor has been instructing students for at least one (1) year.

(2) Minimum Equipment and Supplies. It is required that all schools approved by the board for instructor training have on hand the following equipment and training supplies:

(A) One (1) complete visual aid teaching system which shall be adequate to materially aid in the proper training education of cosmetology. This visual aid teaching system may include, but is not limited to, the following items: video recorder, overhead projector, film projector, educational films and screen;

(B) One (1) chalk board, at least size four feet by six feet (4' × 6'); and

(C) A reference library for instructor trainees containing the following materials: cosmetology textbooks, a current instructor's manual, textbook on psychology and trade publications. All textbooks and manuals must be current.

(3) Curriculum for instructor training shall include both theory and practical clinic training to include the following:

(A) Two hundred (200) hours—basic principles of student teaching to include: teaching principles, lesson planning, curriculum planning and class outlines, teaching methods, teaching aids, testing and evaluation;

(B) Fifty (50) hours—psychology, as applied to cosmetology, personality and teaching; teacher evaluation, counseling, theories of learning and speech;

(C) Fifty (50) hours—business experience or management including: classroom management, record keeping, buying and inventorying supplies, and state law; and

(D) Three hundred (300) hours—practice teaching in both theory and practical application.

(4) Training and Calculation of Hours.

(A) All schools in Missouri approved by the board for instructor training shall provide a minimum of six hundred (600) hours of training in a curriculum defined by section 329.080, RSMo. Instructor trainee applicants desiring credit for college courses in teaching methodology or for practical experience as a licensed Class CA, Class CH, Class MO and Class E shall submit a request to the board in accordance with 20 CSR 2085-8.010.

(B) All instructor trainees shall be enrolled in a course of study of no less than three (3) hours per day and no more than twelve (12) hours per day, with a weekly total that is not less than fifteen (15) hours and no more than seventy-two (72) hours per week.

(C) Each school or public institution shall define for its own purpose what constitutes a full-time, part-time or evening instructor trainee, but will be required to designate one of these classifications for each instructor trainee enrolled in its program of training and supply this information to the board on the instructor trainee enrollment form.

(D) No instructor trainee shall be permitted to change his/her des-

ignated status of enrollment except by the submission of a properly completed change of status form to the board in accordance with 20 CSR 2085-8.010(3).

(E) No portion of an instructor trainee's minimum training requirements may be obtained in course work or demonstrations outside the school of his/her enrollment unless a specific request for this program of instruction is submitted to the board by the school on a form supplied by the board no fewer than fourteen (14) days prior to the next regular meeting of the board and approval is given by the board prior to the requested program. Requests received fewer than fourteen (14) days prior to the next meeting shall be placed on the agenda for the following meeting. The required ratio of instructor supervision shall be maintained and instructor trainee attendance at the activity verified. Credit shall not be given for time in transit to and from the activity.

(F) Every school shall provide continuous and adequate supervision of its instructor trainees by a licensed instructor. Under no circumstances shall an instructor trainee be left solely in charge of a school.

(5) Trainee Enrollment. It shall be the responsibility of the school to submit instructor trainee enrollment forms to the board at least two (2) weeks prior to the anticipated commencement of an instructor trainee's studies. The application shall be properly completed on a form supplied by the board and shall be accompanied by the following: proof of successful completion of a twelfth grade education (diploma or general educational development (GED) certificate), a sworn statement by the applicant that he/she is in sufficient physical and mental health to study as an instructor trainee and to be an instructor, two (2) United States passport photographs measuring two inches by two inches (2" × 2") taken within the last five (5) years and the enrollment fee.

(A) No instructor trainee shall receive any credit for training received at a school until the application is received and approved by the board and the instructor trainee license is returned to the school. The instructor trainee license is not transferable and shall be conspicuously displayed within the school with a two inch square (2" x 2") photograph taken within the last five (5) years.

(B) All schools' training instructors are required to provide each instructor trainee with an identifying badge designating "Instructor Trainee" to be worn by the instructor trainee at all times during his/her training course.

(6) Any school which has been approved for instructor training by the board shall submit proof to the board that a substitute instructor will be available to that school to assume continuous, uninterrupted instruction. Satisfactory proof will be demonstrated by a contract of agreement, an affidavit or other evidence found to be adequate and trustworthy and which verifies that a substitute instructor will be available.

(7) Termination of Trainees. Within two (2) weeks of the termination of training of any instructor trainee, it shall be the responsibility of the holder of the license to operate a school to submit to the board a properly completed termination form for the trainee. The form shall be approved by the board and shall contain or be accompanied by the following information:

(A) The name and address of the instructor trainee;

(B) The number of training hours completed by the instructor trainee in theory and practical application, allocated by subject area in each category;

(C) The date of the instructor trainee's termination;

(D) The instructor trainee license; and

(E) A certification of payment/nonpayment of contractual fees that is completed by the school on a form supplied by the board.

(8) Transfers. Any instructor trainee desiring to change schools shall contact the school in which he/she is currently enrolled and request

termination. The school shall terminate the instructor trainee as required by 20 CSR 2085-12.090(7) within two (2) weeks of the trainee's request to be terminated.

(9) Under no circumstances shall instructor trainees be allowed to practice cosmetology for compensation during training hours. Every school shall allow its instructor trainees to perform only bona fide demonstrations on members of the general public. A bona fide demonstration is one performed for the instruction of students where one (1) or more students actually observe or participate in the work being performed by the instructor trainee.

AUTHORITY: sections 329.080, RSMo 2000 and 329.025.1, 329.040, 329.050 and 329.085, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately five thousand four hundred eighteen dollars and seventy cents (\$5,418.70) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 12 - Schools and Student Rules - Barber and Cosmetology

Proposed Rule - 20 CSR 2085-12.090 Cosmetology Instructor Training Schools and Instructor Trainees

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration**Division 2085 - State Board of Cosmetology and Barber Examiners****Chapter 12 - Schools and Student Rules - Barber and Cosmetology****Proposed Rule - 20 CSR 2085-12.090 Cosmetology Instructor Training Schools and Instructor Trainees**

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
70	Cosmetology Schools (Instructor Training Application Fee @ \$25)	\$5,250
70	Applicants (Notary @ \$2)	\$140
70	Licensees (Postage @ \$.41)	\$28.70

Estimated Annual Cost of Compliance for the Life of the Rule **\$5,418.70**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. Supporting documentation includes floor plans, equipment and supply listings, lesson plans, contracts, and rules. For the purpose of this fiscal note, the board estimates an new school will spend approximately \$75 in copying fees.
3. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 13—Crossover Licenses**

PROPOSED RULE

20 CSR 2085-13.010 Definitions

PURPOSE: This rule defines crossover licenses for barbering and cosmetology.

(1) Definitions.

(A) Crossover license. A license that is issued to any person that has met the licensure and examination requirements for both barbering and cosmetology.

(B) Crossover establishment. Any establishment that has met the licensure and inspection requirements for both a barber establishment and a cosmetology establishment.

(C) Crossover instructor. Any instructor that has met the licensure and examination requirements for both a barber instructor and a cosmetology instructor.

(D) Crossover operator. Any person that has met the licensure and examination requirements to practice as a barber and any classified occupation of cosmetology.

(E) Crossover school. Any school that has met the licensure and inspection requirements for both a barber school and a cosmetology school.

AUTHORITY: Chapters 328 and 329, RSMo and sections 329.010.7 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eight thousand five hundred twenty-three dollars (\$8,523) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 13 - Crossover Licenses

Proposed Rule - 20 CSR 2085-13.010 Definitions

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$8,523

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to respond to inquiries.
- 2) Expense and equipment costs are incurred for board expenses relating to correspondence and law books.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement - 1%
Personal Service	\$0	\$2,426
Expense & Equipment	\$0	\$1,194
Transfers	\$0	\$4,902
TOTAL	\$0	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 13—Crossover Licenses**

PROPOSED RULE

20 CSR 2085-13.020 Rules Applicable to All Crossover Licensees

PURPOSE: This rule establishes requirements for obtaining a crossover license.

(1) Applications for any crossover license issued by the board shall be made on the forms provided by the board and shall be subject to all fees applicable to the license requested, in addition to any other fee required by law. Applications may be obtained by writing or calling the State Board of Cosmetology and Barber Examiners at PO Box 1062, Jefferson City, MO 65102, and by telephone at (866) 762-9432. The board shall not consider any application for a crossover license, unless it is fully completed and accompanied by the applicable licensing fee.

(2) Applicants who successfully complete the requirements for a crossover license shall be issued a single crossover license. Upon issuance of a crossover license, any individual barber, cosmetology, school or instructor license issued by the board shall become null and void and shall be immediately returned to the board office. A crossover licensee shall comply with all rules relating to the posting of a license issued by the board provided that a crossover licensee may display the single crossover license as evidence of licensure for both barbering and cosmetology professions.

(3) Except as otherwise provided in the rules of the board, all crossover licenses shall be subject to and comply with all rules applicable to the barber and cosmetology activities or functions for which the crossover licensee is authorized to practice or conduct including, but not limited to, all applicable sanitation rules.

(4) License Conversion. Subject to Chapters 328 and 329, RSMo, a crossover licensee may choose to convert a crossover license to an individual barber or cosmetology operator, school, college or establishment license, whichever is applicable, at their next renewal period or may apply to the board on the forms provided by the board and pay the license fee for the individual license requested. Upon being issued an individual license pursuant to this subsection, the applicant shall surrender and submit the crossover license to the board and the crossover license shall be terminated.

(5) Display of License. The current crossover license shall be posted in a conspicuous place at all times. The crossover operator license for each individual barber or cosmetologist shall be posted at each respective work station.

AUTHORITY: Chapters 328 and 329, RSMo and sections 329.010.7 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eight thousand five hundred twenty-three dollars (\$8,523) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 13 - Crossover Licenses
Proposed Rule - 20 CSR 2085-13.020 Rules Applicable To All Crossover Licenses

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$8,523

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 - Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure - 0%	Enforcement - 1%
Personal Service	\$0	\$2,426
Expense & Equipment	\$0	\$1,194
Transfers	\$0	\$4,902
TOTAL	\$0	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 13—Crossover Licenses**

PROPOSED RULE

20 CSR 2085-13.030 Crossover Operator Licensing—(New Licensees)

PURPOSE: This rule establishes requirements for currently licensed persons to obtain a crossover license to practice barbering and cosmetology.

(1) Except as otherwise provided by this rule, any person may apply for a crossover license to practice as a barber and as a cosmetologist. Any person seeking licensure under this rule shall submit an application to the board on a form provided by the board and pay the initial license fee. To be eligible for licensure, applicants for a crossover barber and cosmetology operator license shall comply with all training, application, examination and licensure requirements applicable to both barbering and the cosmetology license requested.

(2) Upon successful completion of all licensing and examination requirements, and payment of all applicable fees, the board will issue a single crossover license to the applicant which shall authorize the applicant to practice as both a barber and as a cosmetologist in the classification of cosmetology for which the applicant has been approved by the board.

(3) No person shall be allowed to enter barber apprenticeship training and cosmetology apprenticeship training at the same time. Any applicant desiring to study as both a barber and cosmetology apprentice shall first successfully complete one course of apprentice training before applying for apprenticeship training in any other profession licensed by the board. The apprentice applicant may select which apprenticeship training he/she would like to begin first (barber apprenticeship training or cosmetology apprenticeship training). Training completed in a cosmetology apprenticeship shall not be credited towards the hours required for a barber apprenticeship nor shall training hours completed in a barber apprenticeship be credited towards the training hours required for a cosmetology apprenticeship.

(4) Any person who enrolls as a barber student and a cosmetology student at the same time must separately enroll as a student for each course of study. Except as otherwise provided in the rules of the board, training hours/credits completed in a cosmetology curriculum shall not be credited towards the hours required for barber training nor shall training hours completed in a barber curriculum be credited towards the training hours required for cosmetology.

(5) For the purpose of meeting the minimum requirements for examination, any barber or cosmetology training completed by a student or apprentice shall only be recognized by the board for a period of five (5) years from the date the board issues the relevant student or apprentice license to a person.

(6) The provisions of this rule are applicable to applicants for a crossover operator license who are not actively licensed by the board as a cosmetologist or barber at the time the crossover license application is submitted to the board.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

AUTHORITY: Chapters 328 and 329, RSMo and sections 329.010.7 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 13 - Crossover Licenses
Proposed Rule - 20 CSR 2085-13.030 Crossover Operator Licensing - (New Licensees)

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure - 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 13—Crossover Licenses**

PROPOSED RULE

20 CSR 2085-13.040 Crossover Operator Licensing—(Currently Licensed Barbers)

PURPOSE: This rule establishes requirements for a currently licensed barber to obtain a crossover license to practice cosmetology.

(1) The provisions of this rule are applicable to applicants for a crossover license to practice cosmetology that currently hold an active Missouri barber license issued by this board. A licensed Missouri barber may only apply for a cosmetology license under this rule if the applicant's Missouri barber license is active, in good standing and not subject to any disciplinary terms. Missouri barbers who are not eligible for licensure under this rule shall comply with the requirements of 20 CSR 2085-13.020 to be eligible for a crossover license to practice any of the classified occupations of cosmetology.

(2) Esthetician and Manicuring Licenses. Any person currently licensed as a barber by the board may apply for a crossover license to also practice as a Class-MO cosmetology licensee to practice as a manicurist or a Class-E cosmetology licensee to practice as an esthetician. Barber applicants shall be subject to, and must comply with, all application, education, training, examination and licensure requirements applicable to the license sought.

(3) Class-CH licenses (Hairdressing). Barber applicants for a crossover Class-CH cosmetology license shall be required to complete all Class-CH training and education requirements required by this rule. Applicants that are Missouri licensed barbers prior to applying for a crossover Class-CH cosmetology license shall be credited by the board for their previous barber experience and/or training as provided herein.

(A) Education. Barber applicants for a crossover Class-CH cosmetology license shall complete a minimum of five hundred (500) hours of cosmetology training in a Class-CH curriculum in a cosmetology school licensed by the board.

(B) The five hundred (500) hours of cosmetology training required by this rule shall be taken in any of the cosmetology subject areas identified in 20 CSR 2085-12.050. Two (2) years of experience as a Missouri licensed barber immediately prior to the time of application may be substituted for two hundred fifty (250) of the required five hundred (500) hours of training and three (3) years of experience as a Missouri licensed barber may be substituted for all of the five hundred (500) required hours of additional cosmetology training. Barber applicants shall only be credited for training as provided in this rule if the applicant's Missouri barber license was active, in good standing and not subject to any probationary terms or disciplinary action by the board during the entire term of the applicable one (1) or two (2)-year licensing period.

(C) Barber applicants may apply for a cosmetology apprenticeship to complete the required cosmetology training for a Class-CH cosmetology license. A barber apprentice for a Class-CH cosmetology license shall be required to complete a minimum of one thousand (1,000) apprentice hours for a crossover Class-CH cosmetology license. A Missouri licensed barber who has practiced in this state for two (2) years immediately prior to the time of application shall be required to complete a minimum of five hundred (500) hours of apprentice training. Apprentices and programs of apprenticeship must comply with section (5) of this rule.

(D) Upon successful completion of the cosmetology training required by this section, the licensed barber applicant will be credited for the barber's previous experience and education and shall take and successfully pass the written and practical portion of the state Class-CH cosmetology examination.

(4) Class-CA Licenses. Barber applicants for a crossover Class-CA cosmetology license shall be required to complete all Class-CA training and education requirements required by this rule. Applicants that hold a current Missouri barber license at the time application is made for a crossover Class-CA cosmetology license shall be credited by the board for their previous barber experience and/or training as provided by this rule.

(A) Education. Barber applicants for a crossover Class-CA cosmetology license shall complete a minimum of five hundred (500) hours of cosmetology training, in the following subjects:

Subject	Hours
Manicuring, hand and arm massage and treatment of nails	220
Sanitation and Sterilization	25
Anatomy	15
Study of the use and application of certain chemicals	40
Additional cosmetology training	200

The "additional cosmetology training" hours identified herein may be taken in any of the cosmetology subject areas identified in 20 CSR 2085-12.050. Two (2) years of experience as a Missouri licensed barber immediately prior to the time of application may be substituted for two hundred fifty (250) of the required five hundred (500) hours of training and three (3) years of experience as a Missouri licensed barber may be substituted for all of the five hundred (500) required hours of additional cosmetology training. Barber applicants shall only be credited for training as provided in this rule if the applicant's Missouri barber license was active, in good standing and not subject to any probationary terms or disciplinary action by the board during the entire term of the applicable one (1)- or two (2)-year licensing period.

(B) Barber applicants may apply for a cosmetology apprenticeship to complete the required cosmetology training for a Class-CA cosmetology license. A barber apprentice for a Class-CA cosmetology license shall be required to complete a minimum of one-thousand (1,000) apprentice hours for a crossover Class-CA cosmetology license. A Missouri licensed barber who has practiced in this state for two (2) years immediately prior to the time of application shall be required to complete a minimum of five hundred (500) hours of apprentice training. Apprentices and programs of apprenticeship must comply with section (5) of this rule.

(C) Upon successful completion of the cosmetology training required by this section, the licensed barber applicant will be credited for the barber's previous experience and education and shall take and successfully pass the written and practical portion of the state manicuring examination.

(5) Apprenticeships. A Missouri licensed barber may apply for a cosmetology apprenticeship training program to qualify for a crossover license to practice cosmetology. Apprentice applicants shall be subject to and must comply with all rules applicable to cosmetology apprentices for the license requested, including 20 CSR 2085-9.010(1) and (2). Applicants that hold a current Missouri barber license shall not be required to resubmit with their applications for an apprenticeship proof of age or two (2) character references, unless otherwise requested by the board.

(A) Applicants for an apprenticeship shall complete all cosmetology apprentice hours required by Missouri law, provided that barber applicants who are eligible for a crossover Class-CA or Class-CH cosmetology license under section (2) of this rule shall only be required to complete a minimum of one thousand (1,000) apprentice

hours for the license requested.

(B) An apprenticeship training program must be supervised by a licensed cosmetologist approved by this board as an apprentice supervisor for the classification of cosmetology to be apprenticed. The board will not recognize, and no apprentice supervisor shall certify, report or recognize, any training time or hours during which an apprentice for a crossover license to practice cosmetology acted or practiced solely as a licensed barber.

(6) The board has the right to deny or discipline any crossover license requested by this board for any grounds authorized by law, including, Chapters 328 and 329, RSMo.

(7) All applications for a crossover license under this rule shall be submitted to the board on a form designated by the board with the applicable license fee.

AUTHORITY: Chapters 328 and 329, RSMo and sections 329.010.7 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately two thousand five hundred sixty dollars and twenty-five cents (\$2,560.25) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2085 - State Board of Cosmetology and Barber Examiners****Chapter 13 - Crossover Licenses****Proposed Rule - 20 CSR 2085-13.040 Crossover Operator Licensing - (Currently Licensed Barbers)**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement – 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2085 - State Board of Cosmetology and Barber Examiners****Chapter 13 - Crossover Licenses****Proposed Rule - 20 CSR 2085-13.040 Crossover Licensing - Currently Licensed Barbers**

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT**First Year of Implementation of Rule**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
25	Applicants (Coverover Operator Application Fee @ \$100)	\$2,500
25	Applicants (Notary @ \$2)	\$50
25	Licensee Applicants (Postage @ \$.41)	\$10.25

Estimated Annual Cost of Compliance for the Life of the Rule **\$2,560.25**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 13—Crossover Licenses**

PROPOSED RULE

**20 CSR 2085-13.050 Crossover Operator Licensing (Currently
Licensed Cosmetologists)**

PURPOSE: This rule establishes requirements for currently licensed cosmetologists to obtain a crossover license to practice barbering.

(1) The provisions of this rule are applicable to applicants for a crossover license to practice as a barber that currently hold an active Missouri cosmetology license issued by this board. A licensed Missouri cosmetologist may only apply for a barber license under this rule if the applicant's Missouri cosmetology license is active, in good standing and not subject to any disciplinary terms. Missouri cosmetologists who are not eligible for licensure under this rule shall comply with the requirements of 20 CSR 2085-13.020 to be eligible for a crossover license to practice as a barber.

(2) Esthetician and Manicuring Licenses. Any person currently licensed as a Class-E or Class-MO cosmetologist by the board may apply for a crossover license to also practice as a barber. Currently licensed cosmetology applicants shall be subject to, and must comply with, all application, education, training, examination and licensure requirements for a barber license.

(3) Class-CH and Class-CA Licensees. Applicants that are licensed by this board as a Class-CH or Class-CA cosmetologist prior to applying for a crossover barber license shall be credited by the board for their previous cosmetologist/barber experience and/or training as provided by this rule.

(A) Education. To be eligible for licensure, a Missouri licensed cosmetologist shall complete a minimum of forty (40) hours of barber training, in the following subjects:

Subject	Hours
History	5
Shaving	40

(B) Upon successful completion of the barber training required by this rule, a licensed Class-CH or Class-CA cosmetologist will be credited for the licensee's previous cosmetology experience and/or education and shall be eligible to take the state barber examination.

(C) Any cosmetologist that has been licensed by this board as a cosmetologist for less than one (1) year, shall be required to take and successfully pass the written and practical portion of the state barber examination. A cosmetologist who has been actively licensed by this board as a cosmetologist for at least one (1) year immediately prior to applying for a crossover barber license shall only be required to pass that portion of the state barber examination that is applicable to shaving, provided that the applicant's Missouri cosmetology license must have been active, in good standing and not subject to any probationary terms or disciplinary action during the one (1)-year licensing period.

(4) Apprenticeships. A Missouri licensed cosmetologist may apply for a barber apprenticeship training program to qualify for a crossover barber license. Apprentice applicants shall be subject to and must comply with all rules applicable to barber apprentices, including 20 CSR 2085-9.010(1) and (2). Applicants shall not be required to resubmit with their applications for an apprenticeship

proof of age, proof of successful completion of the tenth grade or two (2) character references, unless otherwise requested by the board.

(A) Applicants for an apprenticeship shall complete all barber apprentice hours required by Missouri law, provided that currently licensed Class-CA or Class-CH cosmetologists shall only be required to complete a minimum of ninety (90) apprentice barber training hours for a barber license.

(B) An apprenticeship training program must be supervised by a licensed barber approved by this board as a barber apprentice supervisor. The board will not recognize, and no apprentice supervisor shall certify, report or recognize, any training time or hours during which an apprentice for a crossover barber license acted or practiced solely as a licensed cosmetologist.

(5) A licensed cosmetologist whose license is expired or is not active may not apply for a crossover license pursuant to this rule.

(6) The board has the right to refuse, deny or probate any crossover license requested by this board for any grounds authorized by law, including, Chapters 328 and 329, RSMo.

(7) All applications for a crossover license under this rule shall be submitted to the board on a form designated by the board with the applicable license fee.

AUTHORITY: Chapters 328 and 329, RSMo and sections 329.010.7 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately seven thousand six hundred eighty dollars and seventy-five cents (\$7,680.75) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 13 - Crossover Licenses

Proposed Rule - 20 CSR 2085-13.050 Crossover Operator Licensing - (Currently Licensed Cosmetologists)

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
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Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 13 - Crossover Licenses

Proposed Rule - 20 CSR 2085-13.050 Crossover Operating Licensing - Currently Licensed Cosmetologists

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
75	Applicants (Coverover Operator Application Fee @ \$100)	\$7,500
75	Applicants (Notary @ \$2)	\$150
75	Licensee Applicants (Postage @ \$.41)	\$30.75

Estimated Annual Cost of Compliance for the Life of the Rule **\$7,680.75**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2085—Board of Cosmetology and Barber
Examiners**

Chapter 13—Crossover Licenses

PROPOSED RULE

20 CSR 2085-13.060 Crossover Establishments

PURPOSE: This rule establishes requirements for crossover establishments.

(1) Establishments. Any person or entity may apply for a crossover license to operate both a barber and cosmetology establishment at the same physical location. Except as provided by this rule, applicants for a crossover establishment license shall comply with, and be governed by, all provisions of 20 CSR 2085-10.010 through 20 CSR 2085-10.050.

(2) A crossover license shall only be issued for an establishment where the barber and cosmetology functions will be located at the same physical location. If a different physical location is used for any of the barber or cosmetology activities or functions for which a license is required, a separate license must be obtained for each location.

(3) No establishment shall open in Missouri until the board receives a completed application, on a form supplied by the board, the biennial establishment fee is paid, the establishment passes a board inspection, and the application is approved by the board. If an establishment opens for business before the board issues the original establishment license, a delinquent fee shall be assessed in addition to all other required licensure fees, and the board may take legal action pursuant to Chapters 328 and/or 329, RSMo.

(4) Original Licensure. A crossover establishment license shall only be valid for the owners, address and name provided for the establishment in the initial crossover establishment license application. The initial license holder shall retain establishment ownership and responsibility for ensuring that the establishment is operated according to all applicable provisions of Chapter 328, and Chapter 329, RSMo, and the regulations of the board.

(A) Change of Location or Ownership. If at any time during the license period the establishment location, name, and/or ownership changes, the owner(s) of the establishment shall submit an application for a new establishment license to the board within forty-five (45) days after the ownership or location change and the applicable change of location and/or ownership fee. The original license of the establishment shall become void as to the new location and/or new owners upon expiration of the forty-five (45)-day period and shall be returned to the board. No barber or cosmetology services shall be performed or offered to be performed under the new ownership or at the new location after the forty-five (45)-day period expires until the establishment is issued a license by the board for the new owners and/or new location.

1. New ownership. It is the responsibility of the new owner(s) to submit the establishment application to the board accompanied by the change of ownership fee.

2. Adding a co-owner. It shall be the responsibility of the co-owners to submit the establishment location to the board accompanied by the applicable fee.

3. Deleting a co-owner. If a co-owner(s) ceases ownership of an establishment, it shall be the responsibility of the establishment's remaining owner(s) to notify the board of this change in writing. The written notice shall serve as documentation of the change and a new application shall not be required.

4. A corporation is considered by law to be a separate person. If a corporation owns an establishment, it is not necessary to obtain a new establishment license or to file an amended application for an establishment license if the owners of the stock change. However, as a separate person, if a corporation begins ownership of an establishment or ceases ownership of an establishment, a new establishment license must be obtained regardless of the relationship of the previous or subsequent owner to the corporation.

5. A crossover establishment license shall not be issued until the establishment passes a board inspection, the establishment is in compliance with all applicable sanitation rules and the application is approved by the board.

(5) Rental Space/Chair Licensing. Any person licensed by the board who rents individual space or a booth/chair within a licensed establishment for the purpose of practicing as a crossover barber or cosmetologist shall be required to obtain a separate crossover establishment license for the rental space. Licensees that rent individual space or a booth/chair within a licensed barber or cosmetology establishment for the purpose of operating as a crossover licensee must possess a current crossover establishment license as well as a crossover operator license. This subsection does not apply to licensees operating as establishment employees.

(A) Each establishment license issued to a renter under this rule shall be valid only for the licensee, address and name identified in the initial establishment license application.

(B) Applications for an establishment license under this subsection shall be submitted on a form provided by the board and shall comply with the requirements defined in 20 CSR 2085-10.010(1)(A)1-4.

(C) Change of Location or Ownership. If the location or ownership of the establishment changes during the license period, the owner shall submit an application for a new establishment license to the board within forty-five (45) days after the ownership or location change with the applicable change of location and/or change of ownership fee.

1. The board shall not issue a license for the new ownership or location until the establishment passes a board inspection, the establishment is in compliance with all applicable sanitation rules under 20 CSR 2085-11.010 and 20 CSR 2085-11.020 and the application is approved by the board.

2. The original license of the establishment shall become void as to the new location and/or new owners upon expiration of the forty-five (45)-day period and shall be returned to the board.

3. No barber or cosmetology services shall be performed or offered to be performed under the new ownership or at the new location after the forty-five (45)-day period expires until the establishment is issued a license by the board for the new owners and/or new location.

(D) Name Changes. If at any time during the license period the name of the establishment is changed, the original establishment license shall become void as to the prior name and the license holder shall submit an application to the board for an establishment license for the new name with the biennial establishment fee. No barber or cosmetology services shall be performed or offered to be performed under the new name until an establishment license is issued by the board for the new name. The board shall be notified immediately in writing by the license holder(s) of an establishment name change.

(E) Display of License. The current establishment license for the rental space/chair shall be posted in a conspicuous place at all times. The licensee's barber or cosmetology license shall also be posted at each respective work station.

(F) Application for an establishment license under this section shall be made on forms provided by the board and accompanied by the biennial establishment fee.

(G) Except as provided herein, no person shall provide or offer to provide barber or cosmetology services at a rented space, booth or chair before an establishment license has been obtained as required

by this rule. If barber or cosmetology services are performed or offered at the rented space or chair before an establishment license is issued as required by this section, a delinquent fee shall be assessed in addition to all other required licensure fees, and the board may take legal action pursuant to Chapters 328 and/or 329, RSMo.

(6) Name Change of Establishment. If at any time during the license period the name of the crossover establishment is changed, the original establishment license shall become void as to the prior name and the owners of the establishment shall submit an application to the board for an establishment license for the new name with the biennial establishment fee. The application must be made in writing and shall be accompanied by two (2) forms of identification, a duplicate license fee and, if applicable, the establishment license currently in the license holder's possession.

(A) The board shall be notified immediately in writing by the license holder(s) of an establishment name change.

(B) No barber or cosmetology services shall be performed or offered to be performed under the new name until the establishment is issued a license by the board for the new name.

(7) Delinquent Fee. If a crossover establishment opens for business before the board issues a new establishment license as required by this rule following a change of location, name, or ownership, a delinquent fee shall be assessed in addition to all other required licensure fees, and the board may take legal action pursuant to Chapters 328 and 329, RSMo.

(8) Establishment Closures.

(A) Voluntary Establishment Closures. When a crossover establishment terminates its business, the holder of the establishment license shall provide written notice of the establishment closure to the board within thirty (30) days following the closure. This written notice may be submitted on a form provided by the board or by letter. The notice must be signed by the holder of the establishment license and include the name, address and license number of the establishment, the name and address of the establishment license holder, and the date of closure. Upon actual termination of business, the establishment license shall be returned to the board for surrender either in person or by registered or certified mail. If the original license has been lost, stolen, destroyed, or was never received, the establishment license holder shall submit along with the notice of voluntary closure an affidavit attesting to such facts.

(B) Administrative Establishment Closures by the Board. When a crossover establishment terminates its business and the establishment license holder fails to submit to the board a notice of voluntary closure, the board or its representative may administratively close the establishment by submitting notice of an administrative establishment closure to the board. The board shall provide written notice of the administrative establishment closure by mailing written notice to the establishment and to the last known address of the establishment license holder. An administrative establishment closure shall not be considered discipline.

(C) The board shall not mail a renewal application for the next licensing period to those establishments which have been voluntarily or administratively closed.

(D) No one licensed by the board may perform or offer to perform cosmetology or barber services in a closed crossover establishment until a new establishment license has been issued by the board.

(E) Where the board administratively closes an establishment for which the establishment license has not otherwise expired, no one may perform or offer to perform barber or cosmetology services in that establishment until the holder of the establishment license notifies the board in writing that the establishment is again open for business. Upon receipt of such notice, the board shall restore the status of the establishment license for the remainder of the current licensing period, provided all fees have been paid.

(9) All applications for a crossover establishment license shall be submitted to the board on a form designated by the board with the applicable license fee.

AUTHORITY: Chapters 328 and 329, RSMo and sections 329.010.7 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 10, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately forty thousand nine hundred twenty dollars and twenty cents (\$40,920.20) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 13 - Crossover Licenses

Proposed Rule - 20 CSR 2085-13.060 Crossover Establishments

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications, conducting inspections and enter data into the
- 2) Expense and equipment costs are incurred for board expenses relating to inspections and the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 13 - Crossover Licenses

Proposed Rule - 20 CSR 2085-13.060 Crossover Establishments

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
100	Applicants (Crossover Establishment Application Fee @ \$100)	\$10,000
100	Applicants (Crossover Establishment Renewal Fee @ \$100)	\$10,000
5	Crossover Establishments (Change of Location - Full Service @ \$100)	\$500
10	Crossover Establishments (Change of Location - Rental Stations @ \$50)	\$500
5	Applicants (Delinquent Fees @\$100)	\$500
220	Applicants (Notary @ \$2)	\$19,330
220	Applicants (Postage @ \$.41)	\$90.20

Estimated Annual Cost of Compliance for the Life of the Rule **\$40,920.20**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above estimates are based on FY06 and FY07 actuals and FY08 projections.
2. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 13—Crossover Licenses**

PROPOSED RULE

20 CSR 2085-13.070 Crossover Schools

PURPOSE: This rule establishes general requirements for a school crossover license.

(1) Schools. Any person or entity may apply for a crossover license to operate both a barber and cosmetology school at the same physical location. Except as provided by this rule, applicants for a crossover school license shall comply with all rules applicable to both barber and cosmetology schools. A crossover license shall only be issued to schools where barber and cosmetology services are taught at the same physical location. If a different physical location is used for any of the barber or cosmetology instruction or functions for which a license is required, a separate license must be obtained for each location.

(2) Application Requirements. School applicants shall submit one (1) floor plan for the entire crossover facility. Floor plans shall comply with the square footage requirements for both barber schools and the applicable cosmetology school and shall clearly indicate the separately designated clinical areas for barber and cosmetology students required by section (3) of this rule.

(A) Applications for a crossover school license will be reviewed and approved as provided in 20 CSR 2085-12.010(2). Final approval of a crossover school license by the board will be made upon final inspection of the school establishment. Applicants for a crossover school license that are licensed to operate a barber or cosmetology school at the time of application for a crossover school license shall be required to undergo a final inspection of the entire crossover facility.

(B) Applications shall include the name and address of each licensed instructor to be employed, provided that any school having only one (1) instructor per twenty-five (25) students in any professional training/instruction program shall also state the name and address of a substitute instructor who will be available for such profession.

1. Any barber school having only one (1) instructor per fifteen (15) students shall also state in their application the name and address of a substitute instructor who will be available.

2. Any cosmetology school having only one (1) instructor per twenty-five (25) students shall state in their application the name and address of a substitute instructor who will be available; and

(C) Applicants for a crossover school license shall submit to the board separate curriculums for barber training/instruction and cosmetology training/instruction with the application for licensure.

(D) The school shall report any crossover student that has terminated his/her barber or cosmetology training as required by the rules of the board governing termination of students. Termination forms must be submitted even if the crossover student has been terminated from only one (1) program of instruction (barber or cosmetology) and is still enrolled in another program of instruction.

(E) The board shall not approve any application for a crossover school license that does not comply with the requirements of this rule.

(3) Upon licensure, crossover school licensees shall comply with all rules applicable to both barber schools and the applicable cosmetology school, including the following:

(A) Except as otherwise provided in this section, a crossover

school licensee may use designated common areas for both barber and cosmetology purposes provided that no space or area(s) may be used for both barber training/instruction and cosmetology training/instruction at the same time.

(B) Barber clinical areas of a school shall be kept physically separate and apart from cosmetology clinical areas. For purposes of this rule, the clinical area shall include any space where clinical instruction or training is provided, including any area where a student performs, practices or utilizes any barber or cosmetology service or technique on another person or a member of the public.

(C) All barber work stations required by 20 CSR 2085-12.010(4)(C), shall be kept separated from the cosmetology clinical area at all times. However, barber work stations and cosmetology clinical areas may be located in the same room if the barber work stations are physically separated from the cosmetology clinical area at all times and can be easily and individually identified by the board or its designee. Barber work stations in a crossover licensed school shall contain all equipment required by, and comply with all provisions of 20 CSR 2085-12.010 and 20 CSR 2085-12.020 applicable to barber work stations.

(D) This rule does not prohibit the common use of locker rooms, reception areas, libraries, restrooms, drinking facilities, eating areas or first-aid facilities for both barber and cosmetology students.

(E) Every crossover school shall employ, and have present during regular school hours, a minimum of one (1) Missouri licensed barber instructor for every fifteen (15) barber students in attendance for a given class period and a minimum of one (1) Missouri licensed cosmetology instructor for every twenty-five (25) cosmetology students in attendance for a given class period.

(F) A crossover school licensee shall maintain all barber student records separately from records for cosmetology students. Records for crossover students shall be adequately maintained and shall clearly and separately identify the hours or credits, whichever is applicable, earned by a student in barber training/instruction and the hours or credits earned in cosmetology training/instruction. Records shall be maintained by the crossover school licensee in a manner that will allow the board or its designee to easily and separately identify the individual hours or credits earned by a crossover student for barbering and cosmetology, respectively.

(4) Students. Except as provided by this rule, crossover students shall be subject to and required to comply with all rules and requirements applicable to both barber students and the cosmetology students enrolled, including all education, training and examination requirements.

(5) School Location and Ownership. Each license for a crossover school issued by the board shall be valid only for the premises located at that address and board-approved ownership as provided in the initial application for the school. If at any time during the license period, the physical plant or operation of a school is moved to a new address, if ownership is transferred, or if substantial interest fifty-one percent (51%) or more of a partnership or corporation is altered in a way as to affect the registered ownership, then the license for the school shall become void. It shall be the responsibility of the holder of the license of the school to notify the board of any changes.

(A) If there is to be a change in a substantial interest of a partnership or corporation which affects the registered ownership, the owner(s) shall file an application for a new crossover license in accordance with this rule.

(B) If there is to be a change in a minority interest of a partnership or corporation which does not affect the registered ownership, it shall be the responsibility of the holder(s) of the school license to submit a sworn affidavit to the board as notification of the change and to supply a full listing of partners/shareholders and ownership percentages of each.

(C) Change of Location. If the physical plant or operation of a school is to be moved to a new address, it shall be the responsibility

of the holder(s) of the school license to submit a change of location application prior to reopening at the new location. The application shall contain:

1. Name and address of the owner(s) or lessor(s) and lessee(s) where appropriate;
2. The school's complete mailing address;
3. A copy of the proposed facility's floor plan, giving approximate dimensions and square footage for both the barber and cosmetology training/instruction areas. The floor plan shall comply with the floor plan requirements for both barber schools and the requested cosmetology school(s);
4. A list of the proposed equipment and training supplies by quantity and type;
5. A list detailing all implements and equipment that will be included in student kits;
6. A list of the proposed school rules;
7. The requisite fee;
8. The maximum enrollment allowed for the facility based on square footage;
9. A copy of the student contract which shall include the notice required by 20 CSR 2085-12.010(2)(K); and
10. The name and address of each licensed instructor to be employed; provided, any school having only one (1) instructor per twenty-five (25) students in any professional training/instruction program shall also state the name and address of a substitute instructor who will be available for such profession; and

(D) Final approval of a school by the board, based on a change of location, will be made upon final inspection of the establishment.

(E) Name Changes. If the name of a school is to be changed by the owner(s), the change may be made on the renewal application for the school or, if at any time during the license period, the owner(s) shall submit a change of name request on a form supplied by the board, accompanied by the school's license and the duplicate license fee.

(6) Applicants for a new, renewed or reinstated crossover school or establishment license that have opened a school or establishment prior to obtaining the required license from this board shall be required to pay a delinquent fee as established by the board.

(7) All applications for a crossover school license shall be submitted to the board on a form designated by the board with the applicable license fee.

AUTHORITY: Chapters 328 and 329, RSMo and sections 329.010.7 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 10, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one hundred seventy-seven thousand one hundred twenty dollars and forty-six cents (\$177,120.46) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received with-

in thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 13 - Crossover Licenses
Proposed Rule - 20 CSR 2085-13.070 Crossover Schools**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications, conduct inspections and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to inspections and the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement – 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2085 - State Board of Cosmetology and Barber Examiners

Chapter 12 - Schools and Student Rules - Barber and Cosmetology

Proposed Rule - 20 CSR 2085-13.070 Crossover Schools

Prepared June 7, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
6	Crossover Schools (Application Fee @ \$850)	\$5,100
6	Crossover Schools (Supporting Documentation @ \$75)	\$450
6	Crossover Schools (Supplies @ \$25)	\$150
6	Crossover Schools (Equipment @ \$28401)	\$170,406
1	Crossover Schools (Change of Location @ \$500)	\$500
1	Crossover Schools (Change of Ownership/Adding a Owner @ \$500)	\$500
6	Applicants (Notary @ \$2)	\$12
6	Applicants (Postage @ \$.41)	\$2.46

Estimated Annual Cost of
Compliance for the Life of the Rule **\$177,120.46**

III. WORKSHEET

See table above.

IV. ASSUMPTION

- The above estimates are based on FY06 and FY07 actuals and FY08 projections.
- Supporting documentation includes floor plans, equipment and supply listings, lesson plans, contracts, and rules. For the purpose of this fiscal note, the board estimates an new school will spend approximately \$75 in copying fees.
- Supplies include paper towels, soap, spatula/spoon, towels/neck strips, disinfectants, antiseptic, band aides, disposable gloves, styptic, waste receptacles. For the purposes of this fiscal note the board estimates an applicant will spend approximately \$25.
- Barber Equipment includes:

Barber Chair	\$1,000.00 per chair
Work station with bowl with back bar	\$700.00
Lockers/set of 6	\$400.00
metal fire resistant file cabinet	\$150.00
Sanitary drinking facilities	\$200.00
table	\$150.00

chair	\$25.00
blackboard	\$150.00
Visual Aides	\$250.00
Reference Library	\$150.00
Electric Latherizer	\$60.00
Tonic Lotions Shampoos and Perms	\$1,300.00 (\$50/every other week)
Disposable Gloves	\$60.00 (\$5/per month)
smocks	\$40.00 (\$20/per smock)
clipper	\$250.00
wig brush	\$5.00
thinning sheers	\$25.00
hair cutting shears	\$50.00
Combs	\$50.00
Hair dryer	\$20.00
Mannequins and holders	\$129.00 (\$43/per mannequin and holder)
Time Clock	\$350.00
	<hr/>
	\$5,514

5. Cosmetology Equipment includes:

Work station with bowl	\$700.00
(20) Lockers/set of 6	\$1,600.00 (\$400/per set of 6 lockers)
Restroom	\$1,000.00
metal fire resistant file cabinet	\$150.00
Sanitary drinking facilities	\$200.00
(16) dresserette with mirror	\$8,000.00 (\$500/per dresserette)
chair for dresserette	\$375.00
(10) hair dryer	\$1,750.00 (\$175/per hair dryer)
(10) chair for hair dryer	\$1,000.00 (\$100/per chair)
(2) facial chairs	\$400.00
(4) tables	\$600.00 (\$150/per table)
(2) chairs	\$500.00 (\$25/per chair)
wet containers	\$48.00
dry containers	\$160.00
(6) shampoo bowls with chairs	\$1,650.00 (\$275/per shampoo bowl and chair)
cold wave equipment	\$50.00
(4) manicuring table	\$500.00 (\$125/per table)
(4) manicuring stool	\$200.00 (\$50/per stool)
(10) manicuring set	\$100.00 (\$10/per set)
first aide kit	\$40.00
visual aides	\$250.00
Visual aide teaching system	\$1,550.00
Blackboard	\$150.00
Time Clock	\$350.00
(20) Mannequins and holders	\$195.00 (\$43/per mannequin and holder)
Reference Library	\$150.00
Cleaning Supplies	\$100.00
Sanitary containers (2)	\$200.00
trash can for hair clippings	\$8.00
Cosmetology Student kits	\$300.00
	<hr/>
	\$22,276.00

6. Cost for electrical outlets, restrooms, reception area, room for classroom instruction, workstation, dispensary, managers office, student break room and janitors closet are not included in this fiscal note due to various contractor rates and geographic contractor locations.
7. The board is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo. Pursuant to section 329.105, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160 and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160 and 329.010-329.265, RSMo.
9. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 13—Crossover Licenses**

PROPOSED RULE

20 CSR 2085-13.080 Crossover Instructors

PURPOSE: This rule establishes requirements for obtaining a crossover instructor license.

(1) New Applicants. Any person or entity may apply for a crossover license to instruct in both barbering and cosmetology. Except as provided by this rule, applicants for a crossover instructor license shall comply with all training, application and licensure requirements applicable to both the barber instructor and the cosmetology instructor license requested. An applicant shall only be eligible for a crossover instructor license if the applicant is licensed by the board as a barber and is licensed by the board as a cosmetologist for the classified occupation of cosmetology that the applicant will be instructing. Applicants for a crossover instructor license pursuant to this section shall be eligible for a crossover instructor license upon successfully completing all education and training requirements required for cosmetology instructors and successfully passing the licensure instructor examination.

(2) Currently Licensed Barber Instructors. Applicants who are licensed by the board as a barber instructor shall be eligible for a crossover instructor license to also teach cosmetology upon successful completion of the required instructor education or training required by section 329.080, RSMo without further examination. The education or training hours required by law may be reduced as provided by section 329.080, RSMo. A barber instructor eligible for licensure under this rule shall apply to the board for a crossover instructor license as required by 20 CSR 2085-13.070 and pay the applicable fee.

(3) Currently Licensed Cosmetology Instructors. Any person that is licensed as a cosmetology instructor by this board shall be eligible to teach barbering without further examination or instruction, provided the instructor's license is active, in good standing and not subject to any disciplinary or probationary terms at the time application is made. A cosmetology instructor eligible for a barber instructor license under this rule shall apply to the board for a barber instructor license as required by 20 CSR 2085-6.010 and pay the applicable fee.

(4) All applications for a crossover instructor license shall be submitted to the board on a form designated by the board with the applicable license fee.

AUTHORITY: Chapters 328 and 329, RSMo and sections 329.010.7 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 13 - Crossover Licenses
Proposed Rule - 20 CSR 2085-13.080 Crossover Instructors

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement – 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2-- Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3-- Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4-- Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 13—Crossover Licenses**

PROPOSED RULE

20 CSR 2085-13.090 Crossover Reciprocity

PURPOSE: This rule establishes requirements for obtaining crossover licensure by reciprocity.

(1) Reciprocity. Any person who desires a crossover license by reciprocity shall make application to the board and pay the applicable fee. An applicant is eligible for a crossover license by reciprocity if the applicant meets the requirements for both a barber license and the cosmetology license requested under the reciprocity rules governing each respective profession. Reciprocity applicants shall comply with all rules applicable to both barber and cosmetology reciprocity applicants.

AUTHORITY: Chapters 328 and 329, RSMo and sections 329.010.7 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 13 - Crossover Licenses
Proposed Rule - 20 CSR 2085-13.090 Crossover Reciprocity

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
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Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement – 0%
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Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

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Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 13—Crossover Licenses**

PROPOSED RULE

20 CSR 2085-13.100 Crossover Renewals, Inactive Licenses and Reinstatements

PURPOSE: This rule establishes requirements for crossover renewals, inactive licenses and reinstatements for crossover licenses.

(1) Renewals. Every two (2) years (biennially) the renewal application for active crossover licensees must be completed, signed, accompanied by the appropriate renewal fee, and returned to the board office prior to the expiration date of the license. All licenses shall expire on September 30 of each odd-numbered year. Any application postmarked after September 30 will be returned and the applicant will be required to reinstate.

(A) Failure of a licensee to receive the notice and application to renew his/her license shall not excuse him/her from the requirements of Chapters 328 and 329, RSMo, to renew that license. A license, which has not been renewed prior to the renewal date, or placed on inactive status, shall expire on the renewal date. Any licensee who fails to renew shall not perform or offer to perform any act for which a license is required.

(B) During the renewal period, an applicant may apply to solely renew either the barber or cosmetology portion of the applicant's crossover license. A former crossover applicant seeking to renew his/her license in a single profession under this subsection shall comply with all requirements and fees applicable to the renewal of the individual license sought. Upon being issued an individual license pursuant to this subsection, the applicant shall surrender and submit the crossover license to the board and the crossover license shall be deemed null and void.

(C) Renewal applicants for a crossover school or establishment license shall comply with 20 CSR 2085-12.010(7) and 20 CSR 2085-10.010(5).

(2) Inactive Licenses. A crossover operator licensee or instructor may choose to place his/her license on an inactive status by signing a change in licensure status affidavit stating that he/she will not practice as a crossover licensee in Missouri and submitting that application to the board office along with the inactive license fee. An inactive license will be issued to individuals requesting inactive status. All inactive licenses shall expire on September 30 of each odd-numbered year.

(A) If the licensee decides to again practice as a licensee he/she must complete a reactivation application and submit it along with the current renewal fee. The board reserves the right pursuant to Chapters 328 and 329, RSMo, to direct any such applicant to take an examination to reactivate.

(B) To reactivate the license, instructors shall be required to attend a board approved seminar within the two (2) years immediately preceding the reactivation date and submit evidence of attendance with a change in licensure status affidavit for each activated license.

(C) An inactive crossover licensee is not eligible to practice in Missouri and will be subject to disciplinary action if he/she practices or offers to practice in Missouri as a barber or cosmetologist. Any inactive instructor is not eligible to teach while holding an inactive license and will be subject to disciplinary action if he/she teaches or offers to teach in Missouri.

(3) Reinstatement of Expired License—Cosmetologist and Instructors. The holder of an expired crossover cosmetologist or

instructor license may submit an application to the board to reinstate that license without examination within two (2) years of the date the license expired. The application shall be on a form supplied by the board and shall be accompanied by the license renewal fee plus the late fee and other information as the board may require.

(A) Any person who has allowed his/her crossover license to expire for a period of more than two (2) years but less than five (5) years may submit an application to the board to reinstate that license by examination. The applicant for reinstatement shall be required to complete the applicable practical portions of the state licensure examinations for both a barber license and the requested cosmetology license.

(B) Any person who has allowed his/her crossover license to expire for a period of more than five (5) years may submit an application to the board to reinstate the crossover license and shall be required to complete all examination and training requirements applicable to new licensees for a crossover license.

(C) Applications for reinstatement by examination shall be properly completed on a form supplied by the board and shall include or be accompanied by the individual's license number, the license renewal fee and the late fee, two (2) United States passport photographs measuring approximately two inches by two inches (2" x 2") which have been taken within the last five (5) years and other information as the board may require.

(D) In order to be scheduled for examination to reinstate an expired license, the properly completed application must be received by the board along with the required fees no fewer than fourteen (14) days prior to the first day of each scheduled examination. Applications received after this cut-off date and all applications received after every available space for the examination has been filled, whether that application was received prior to or after this cut-off date, shall be scheduled for the next regularly scheduled examination.

(E) In lieu of reinstatement of the crossover license, an applicant may apply to individually reinstate just the applicant's barber license or cosmetology license. A former crossover applicant seeking to reinstate his/her license in a single profession shall comply with 20 CSR 2085-5.010 for prospective barber licensees or 20 CSR 2085-7.010 for prospective cosmetology licensees.

AUTHORITY: Chapters 328 and 329, RSMo and sections 329.010.7 and 329.025.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twelve thousand seven hundred eighty-four dollars (\$12,784) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2085 - State Board of Cosmetology and Barber Examiners****Chapter 13 - Crossover Licenses****Proposed Rule - 20 CSR 2085-13.100 Crossover Renewals, Inactive Licenses and Reinstatements**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$12,784

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for board expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$3,640	\$0
Expense & Equipment	\$1,792	\$0
Transfers	\$7,353	\$0
TOTAL	\$12,784	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$606,595	60% Licensure	\$363,957
\$606,595	40% Enforcement	\$242,638

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$298,595	60% Licensure	\$179,157
\$298,595	40% Enforcement	\$119,438

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,225,541	60% Licensure	\$735,325
\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 14—Violations and Hearings**

PROPOSED RULE

20 CSR 2085-14.010 Violations

PURPOSE: This rule explains relief provisions which may be exercised by the board against violators.

(1) Appropriate Relief May be Sought. Whenever the board finds that any person is in violation of any of the provisions of Chapter 328 or 329, RSMo, or of these regulations, the board may seek immediate relief with the aid of the proper law enforcement officials of this state; or it may institute an action by requesting the attorney general to seek relief in the board's name.

(2) False Application. Any person making a false statement as to a material matter in any application, or statement or certificate required by or in accordance with Chapter 328 or 329, RSMo, or these regulations, shall be deemed in violation of Chapter 328 or 329, whichever is applicable.

AUTHORITY: sections 328.160 and 329.025.1, RSMo Supp. 2006 and 328.150, 329.140, 329.250 and 329.255, RSMo 2000. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eight thousand five hundred twenty-three dollars (\$8,523) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8167, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - State Board of Cosmetology and Barber Examiners
Chapter 14 - Violations and Hearings
Proposed Rule - 20 CSR 2085-14.010 Violations

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$8,523

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to conduct inspections and investigations.
- 2) Expense and equipment costs are incurred for board expenses relating to inspections and investigations.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 1%
Personal Service	\$0	\$2,426
Expense & Equipment	\$0	\$1,194
Transfers	\$0	\$4,902
TOTAL	\$0	\$8,523

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the State Board of Cosmetology and Barber Examiners were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred by each of the boards prior to the merger. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

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Allotment	Percentage & Category	Dollar Amount
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\$1,225,541	40% Enforcement	\$490,216

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 14—Violations and Hearings**

PROPOSED RULE

20 CSR 2085-14.020 Hearings and Review

PURPOSE: This rule establishes hearing and review provisions.

(1) Right to a Hearing. Any person denied a certificate of registration (license) for any school, cosmetology establishment or similar establishment or denied a license to practice his/her occupation(s) under Chapters 328 and 329, RSMo, or these regulations, shall have a right to administrative review and judicial appeal as provided in Chapter 621, RSMo.

AUTHORITY: sections 329.025.7 and 621.045.1, RSMo Supp. 2006. Original rule filed Aug. 1, 2007.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eight thousand five hundred twenty-three dollars (\$8,523) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

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**Department of Insurance, Financial Institutions and Professional Registration
Division of Professional Registration
PUBLIC ENTITY COST**

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2085 - State Board of Cosmetology and Barber Examiners****Chapter 14 - Violations and Hearings****Proposed Rule - 20 CSR 2085-14.020 Hearings and Review**

Prepared May 8, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance in the Aggregate
State Board of Cosmetology and Barber Examiners	\$8,523

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to respond to inquiries and prepare correspondence.
- 2) Expense and equipment costs are incurred for board expenses relating to the copying and correspondence fees.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

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**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2090—State Board of Cosmetology
Chapter 1—Organization and Description of Board**

PROPOSED RESCISSION

20 CSR 2090-1.010 General Organization. This rule defined methods and procedures where the public may obtain information or make submissions or requests.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.190 and 329.191, RSMo Supp. 1999 and 329.230, RSMo 1994. This rule originally filed as 4 CSR 90-1.010. Original rule filed April 6, 1976, effective Sept. 11, 1976. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2090—State Board of Cosmetology
Chapter 2—Cosmetology Schools**

PROPOSED RESCISSION

20 CSR 2090-2.010 Schools. This rule defined the licensure requirements for schools of cosmetology.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.040, 329.050 and 329.210, RSMo Supp. 2003 and 329.120 and 329.230, RSMo 2000. This rule originally filed as 4 CSR 90-2.010. This version of rule filed June 26, 1975, effective July 6, 1975. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla

Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2090—State Board of Cosmetology
Chapter 2—Cosmetology Schools**

PROPOSED RESCISSION

20 CSR 2090-2.020 Manicuring Schools. This rule defined requirements for schools of manicuring.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.040 and 329.210, RSMo Supp. 2003 and 329.120, 329.230 and 329.250, RSMo 2000. This rule originally filed as 4 CSR 90-2.020. Original rule filed March 9, 1982, effective June 11, 1982. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2090—State Board of Cosmetology
Chapter 2—Cosmetology Schools**

PROPOSED RESCISSION

20 CSR 2090-2.030 Esthetic Schools. This rule defined requirements for esthetic schools, floor space required for schools of esthetics and instruction for students.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.040, 329.050 and 329.210, RSMo Supp. 2003 and 329.120 and 329.230, RSMo 2000. This rule originally filed as 4 CSR 90-2.030. Original rule filed Dec. 14, 1995, effective June 30, 1996. Amended: Filed Nov. 30, 2001, effective June 30, 2002. Amended: Filed Aug. 2, 2004, effective Feb. 28, 2005. Moved to 20 CSR 2090-2.030, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 3—Students**

PROPOSED RESCISSION

20 CSR 2090-3.010 Students. This rule defined qualifications and requirements for cosmetology students.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.040, 329.050 and 329.210, RSMo Supp. 2003 and 329.070 and 329.230, RSMo 2000. This rule originally filed as 4 CSR 90-3.010. This version of rule filed June 26, 1975, effective July 6, 1975. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 4—Cosmetology Establishments**

PROPOSED RESCISSION

20 CSR 2090-4.010 Cosmetology Establishments. This rule defined the licensing procedure and requirements for all cosmetology establishments, including, but not limited to, beauty shops and nail salons.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.010, 329.050 and 329.210, RSMo Supp. 2003 and 329.045 and 329.230, RSMo 2000. This rule originally filed as 4 CSR 90-4.010. This version of rule filed June 26, 1975, effective July 6, 1975. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 4—Cosmetology Establishments**

PROPOSED RESCISSION

20 CSR 2090-4.020 Practice Outside of or Away from Beauty Shops. This rule defined the procedure and requirements for the practice of cosmetologist, hairdresser or manicurist outside of his/her principal office or place of business.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.110.2, and 329.230, RSMo 2000 and 329.210, RSMo Supp. 2001. This rule originally filed as 4 CSR 90-4.020. Original rule filed Dec. 7, 1983, effective March 13, 1984. Amended: Filed Aug. 2, 1990, effective Dec. 31, 1990. Rescinded and readopted: Filed March 15, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 30, 2001, effective June 30, 2002. Moved to 20 CSR 2090-4.020, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2090—State Board of Cosmetology
Chapter 5—Apprentices**

PROPOSED RESCISSION

20 CSR 2090-5.010 Apprentices. This rule defined requirements for apprentices.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.210, RSMo Supp. 2003 and 329.230, RSMo 2000. This rule originally filed as 4 CSR 90-5.010. This version of rule filed June 26, 1975, effective July 6, 1975. Amended: Filed Nov. 30, 1994, effective May 28, 1995. Amended: Filed Dec. 14, 1995, effective June 30, 1996. Amended: Filed Nov. 3, 2003, effective April 30, 2004. Moved to 20 CSR 2090-5.010, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2090—State Board of Cosmetology
Chapter 7—Reciprocity**

PROPOSED RESCISSION

20 CSR 2090-7.010 Reciprocity. This rule defined the licensing procedure and requirements for out-of-state applicants.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.130 and 329.230, RSMo 2000 and 329.210, RSMo Supp. 2003. This rule originally filed as 4 CSR 90-7.010. This version of rule filed June 26, 1975, effective July 6, 1975. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla

Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2090—State Board of Cosmetology
Chapter 8—Training Hours**

PROPOSED RESCISSION

20 CSR 2090-8.010 Hours. This rule defined hour requirements authorized in section 329.040, RSMo.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.040 and 329.210, RSMo Supp. 2003 and 329.230, RSMo 2000. This rule originally filed as 4 CSR 90-8.010. This version of rule filed June 26, 1975, effective July 6, 1975. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2090—State Board of Cosmetology
Chapter 9—Hearing and Review**

PROPOSED RESCISSION

20 CSR 2090-9.010 Hearing and Review. This rule defined hearing and review provisions.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: section 329.230, RSMo 1986. This rule originally filed as 4 CSR 90-9.010. This version of rule filed June 26, 1975, effective July 6, 1975. Amended: Filed March 31, 1988, effective June 27, 1988. Amended: Filed Aug. 2, 1990, effective Dec. 31, 1990. Moved to 20 CSR 2090-9.010, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 10—Violations of Cosmetology Laws and
Regulations**

PROPOSED RESCISSION

20 CSR 2090-10.010 Violations. This rule defined the relief provisions exercised by the board against violators.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: section 329.230, RSMo 2000. This rule originally filed as 4 CSR 90-10.010. This version of rule filed June 26, 1975, effective July 6, 1975. Amended: Filed March 31, 1988, effective June 27, 1988. Amended: Filed Nov. 3, 2003, effective April 30, 2004. Moved to 20 CSR 2090-10.010, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 11—Sanitation**

PROPOSED RESCISSION

20 CSR 2090-11.010 Sanitation. This rule defined the sanitary requirements for schools, shops and persons practicing any cosmetology occupations.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.035, 329.140 and 329.230, RSMo 2000 and 329.210, RSMo Supp. 2003. This rule originally filed as 4 CSR 90-11.010. This version of rule filed June 26, 1975, effective July 6, 1975. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 11—Sanitation**

PROPOSED RESCISSION

20 CSR 2090-11.020 Sanitation for Retail Cosmetic Sales Counters. This rule defined sanitation requirements for retail cosmetics sales counters.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: section 329.230, RSMo 1994. This rule originally filed as 4 CSR 90-11.020. Original rule filed Dec. 14, 1995, effective June 30, 1996. Amended: Filed July 27, 1998, effective Jan. 30, 1999. Moved to 20 CSR 2090-11.020, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 12—Instructor Trainees**

PROPOSED RESCISSION

20 CSR 2090-12.010 School Requirements. This rule defined the requirements a school must meet to qualify for instructor training program.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.210, RSMo Supp. 1997 and 329.230, RSMo 1994. This rule originally filed as 4 CSR 90-12.010. Original rule filed Oct. 11, 1978, effective Jan. 13, 1979. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2090—State Board of Cosmetology
Chapter 12—Instructor Trainees**

PROPOSED RESCISSION

20 CSR 2090-12.020 Registration of Instructor Trainees. This rule defined an applicant's requirements that shall be met to qualify for an instructor training program.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.210, RSMo Supp. 2003 and 329.230, RSMo 2000. This rule originally filed as 4 CSR 90-12.020. Original rule filed Oct. 11, 1978, effective Jan. 13, 1979. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2090—State Board of Cosmetology
Chapter 12—Instructor Trainees**

PROPOSED RESCISSION

20 CSR 2090-12.040 Qualifications for Instructor Examination. This rule defined the requirements an applicant shall meet in order to take the written and oral part of the examination.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.210, RSMo Supp. 1998 and 329.230, RSMo 1994. This rule originally filed as 4 CSR 90-12.040. Original rule filed Oct. 11, 1978, effective Jan. 13, 1979. Amended: Filed April 19, 1989, effective July 1, 1989. Amended: Filed Aug. 2, 1990, effective Dec. 31, 1990. Amended: Filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed Jan. 4, 1999, effective July 30, 1999. Moved to 20 CSR 2090-12.040, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2090—State Board of Cosmetology
Chapter 12—Instructor Trainees**

PROPOSED RESCISSION

20 CSR 2090-12.050 Failure of State Examination. This rule defined the requirements for re-examination pertaining to failure of state examination.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: section 329.230, RSMo 1994. This rule originally filed as 4 CSR 90-12.050. Original rule filed Oct. 11, 1978, effective Jan. 13, 1979. Amended: Filed March 31, 1988, effective June 27, 1988. Amended: Filed April 19, 1989, effective July 1, 1989. Amended: Filed Aug. 2, 1990, effective Dec. 31, 1990. Amended: Filed Jan. 4, 1999, effective July 30, 1999. Moved to 20 CSR 2090-12.050, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 12—Instructor Trainees**

PROPOSED RESCISSION

20 CSR 2090-12.060 Transfer. This rule defined the procedure necessary to transfer schools.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: section 329.230, RSMo 1986. This rule originally filed as 4 CSR 90-12.060. Original rule filed Oct. 11, 1978, effective Jan. 13, 1979. Amended: Filed Aug. 2, 1990, effective Dec. 31, 1990. Moved to 20 CSR 2090-12.060, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 12—Instructor Trainees**

PROPOSED RESCISSION

20 CSR 2090-12.070 Reinstatement of Expired Instructor License. This rule defined the requirements for recertification of instructor license.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.210, RSMo Supp. 2003 and 329.230, RSMo 2000. This rule originally filed as 4 CSR 90-12.070. Original rule filed Oct. 11, 1978, effective Jan. 13, 1979. For intervening history please consult the *Code of State Regulations*. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agency or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 12—Instructor Trainees**

PROPOSED RESCISSION

20 CSR 2090-12.080 Renewal Requirements for Instructor License. This rule defined the requirements of the statutes pertaining to renewal of instructor license.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.120 and 329.230, RSMo 2000 and 329.210, RSMo Supp. 2001. This rule originally filed as 4 CSR 90-12.080. Original rule filed Oct. 11, 1978, effective Jan. 13, 1979. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 12—Instructor Trainees**

PROPOSED RESCISSION

20 CSR 2090-12.090 Credit for Out-of-State Training. This rule defined the percentage of credit given for training received outside Missouri.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: section 329.230, RSMo 1994. This rule originally filed as 4 CSR 90-12.090. Original rule filed Oct. 11, 1978, effective Jan. 13, 1979. Amended: Filed Aug. 2, 1990, effective Dec. 31, 1990. Amended: Filed Jan. 4, 1999, effective July 30, 1999. Moved to 20 CSR 2090-12.090, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agency or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2090—State Board of Cosmetology
Chapter 12—Instructor Trainees**

PROPOSED RESCISSION

20 CSR 2090-12.100 Minimum/Maximum Hours Accepted. This rule defined the maximum and minimum daily course hours accepted for instructor trainees.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: section 329.230, RSMo 1994. This rule originally filed as 4 CSR 90-12.100. Original rule filed Oct. 11, 1978, effective Jan. 13, 1979. Amended: Filed March 31, 1988, effective June 27, 1988. Amended: Filed Aug. 2, 1990, effective Dec. 31, 1990. Amended: Filed Jan. 4, 1999, effective July 30, 1999. Moved to 20 CSR 2090-12.100, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2090—State Board of Cosmetology
Chapter 13—General Rules**

PROPOSED RESCISSION

20 CSR 2090-13.020 Reinstatement of Expired License. This rule defined the requirements for reinstatement of an expired license.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: section 329.230, RSMo 1994. This rule originally filed as 4 CSR 90-13.020. Original rule filed Aug. 2, 1990, effective Dec. 31, 1990. Amended: Filed Dec. 14, 1995, effective June 30, 1996. Moved to 20 CSR 2090-13.020, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2090—State Board of Cosmetology
Chapter 13—General Rules**

PROPOSED RESCISSION

20 CSR 2090-13.030 Certification of Licensure, Training Hours, Exam Scores, or any Combination of These. This rule defined the procedure necessary to obtain a certification of licensure, training hours or examination score.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: section 329.230, RSMo 1986. This rule originally filed as 4 CSR 90-13.030. Original rule filed Aug. 2, 1990, effective Dec. 31, 1990. Moved to 20 CSR 2090-13.030, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla

Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 13—General Rules**

PROPOSED RESCISSION

20 CSR 2090-13.040 Duplicate License. This rule defined the procedure necessary to obtain a duplicate license.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: section 329.230, RSMo 1994. This rule originally filed as 4 CSR 90-13.040. Original rule filed Aug. 2, 1990, effective Dec. 31, 1990. Amended: Filed June 8, 1999, effective Dec. 30, 1999. Moved to 20 CSR 2090-13.040, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 13—General Rules**

PROPOSED RESCISSION

20 CSR 2090-13.050 Renewal, Inactive Status, and Reactivation Requirements for Cosmetologists and Instructors. This rule defined information to cosmetologists licensed in Missouri regarding renewal of that license.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.210, RSMo Supp. 2001 and 329.230, RSMo 2000. This rule originally filed as 4 CSR 90-13.050. Original rule filed Jan. 4, 1999, effective July 30, 1999. Amended: Filed Dec. 9, 2002, effective June 30, 2003. Moved to 20 CSR 2090-13.050, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agency or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 13—General Rules**

PROPOSED RESCISSION

20 CSR 2090-13.060 Requirement of Identification. This rule defined the requirements that all licensees must have on their person a form of state identification when providing cosmetology service.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: section 329.230, RSMo 1994. This rule originally filed as 4 CSR 90-13.060. Original rule filed June 8, 1999, effective Dec. 30, 1999. Moved to 20 CSR 2090-13.060, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 13—General Rules**

PROPOSED RESCISSION

20 CSR 2090-13.070 Change of Name and Mailing Address. This rule required a license holder to provide the board with a current name and mailing address.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: sections 329.120 and 329.230, RSMo 2000 and 329.210, RSMo Supp. 2001. This rule originally filed as 4 CSR 90-13.070. Original rule filed Nov. 30, 2001, effective June 30, 2002. Moved to 20 CSR 2090-13.070, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2090—State Board of Cosmetology
Chapter 14—Public Complaint Handling and
Disposition Procedure**

PROPOSED RESCISSION

20 CSR 2090-14.010 Public Complaint Handling and Disposition Procedure. This rule defined the procedure for the receipt, handling and disposition of public complaints by the board.

PURPOSE: This rule is being rescinded pursuant to the enactment of SB 280 (2005) of the 93rd General Assembly.

AUTHORITY: section 329.140, RSMo 1986. This rule originally filed as 4 CSR 90-14.010. Original rule filed Nov. 13, 1981, effective March 11, 1982. Amended: Filed March 31, 1988, effective June 27, 1988. Amended: Filed Aug. 2, 1990, effective Dec. 31, 1990. Moved to 20 CSR 2090-14.010, effective Aug. 28, 2006. Rescinded: Filed Aug. 1, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cos-bar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.440 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory waterfowl during the 2007-2008 seasons.

3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons, Limits

PURPOSE: This establishes season dates and bag limits for hunting waterfowl within frameworks established by the U.S. Fish and Wildlife Service for the 2007-2008 seasons.

(3) Seasons and limits are as follows:

(F) Ducks and coots may be taken from one-half (1/2) hour before sunrise to sunset from October 27, 2007 through December 25, 2007 in the North Zone (that portion of Missouri north of a line running

west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to Interstate Hwy. 70; west on Interstate Hwy. 70 to the Kansas border); from November 23, 2007 through January 21, 2008 in the South Zone (that portion of the state south of a line running west from the Illinois border on Mo. Hwy. 34 to Interstate Hwy. 55; south on Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to the Kansas border); and from November 3, 2007 through January 1, 2008 in the Middle Zone (remainder of Missouri). Ducks and coots may be taken by youth hunters fifteen (15) years of age or younger from one-half (1/2) hour before sunrise to sunset from October 20, 2007 through October 21, 2007 in the North Zone, from October 27, 2007 through October 28, 2007 in the Middle Zone and from November 17, 2007 through November 18, 2007 in the South Zone. Youth hunters must be accompanied by an adult eighteen (18) years of age or older who cannot hunt ducks. Adults must be licensed (i.e., possess any permit that allows small game hunting) unless the youth hunter possesses a valid hunter education certificate card. Limits are as follows:

1. Coots—Fifteen (15) daily; thirty (30) in possession.

2. Ducks—The daily bag limit of ducks is six (6) and may include no more than four (4) mallards (no more than two (2) of which may be a female), two (2) scaup, two (2) wood ducks, one (1) black duck, two (2) redheads, two (2) hooded mergansers, one (1) pintail and two (2) canvasbacks. The possession limit is twelve (12), including no more than eight (8) mallards (no more than four (4) of which may be female), four (4) scaup, four (4) wood ducks, two (2) black ducks, four (4) redheads, four (4) hooded mergansers, four (4) canvasbacks and two (2) pintails.

(G) Geese may be taken from one-half (1/2) hour before sunrise to sunset as follows:

1. Blue, snow, and Ross's geese may be taken from October 27, 2007 through January 30, 2008, statewide.

2. White-fronted geese may be taken from November 23, 2007 through January 30, 2008, statewide.

3. Canada geese and brant may be taken from September 29, 2007 through October 8, 2007, and November 23, 2007 through January 30, 2008, statewide.

4. The daily bag limit is twenty (20) blue, snow or Ross's geese, one (1) brant and two (2) white-fronted geese, statewide. The possession limit for brant is two (2) and for white-fronted geese is four (4) each and there is no possession limit for blue, snow and Ross's geese.

5. The daily bag limit is three (3) Canada geese from September 29, 2007 through October 8, 2007 and two (2) Canada geese thereafter. The possession limit is six (6) Canada geese from September 29, 2007 through October 8, 2007, and four (4) Canada geese thereafter.

6. Geese and brant may be taken by youth hunters in the North Zone from October 20, 2007 through October 21, 2007, in the Middle Zone from October 27, 2007 through October 28, 2007 and in the South Zone from November 17, 2007 through November 18, 2007. The daily bag limit is twenty (20) blue, snow, and Ross's geese, two (2) white-fronted geese, one (1) brant, and two (2) Canada geese. The possession limit for brant is two (2) and for white-fronted geese is four (4), and for Canada geese is four (4) and there is no possession limit for blue, snow, and Ross's geese.

7. Zones: The North Zone shall be that portion of the state north of a line running west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to Interstate Hwy.

70; west on Interstate Hwy. 70 to the Kansas border. The South Zone shall be that portion of Missouri south of a line running west from the Illinois border on Mo. Hwy. 34 to Interstate Hwy. 55; south on Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to the Kansas border. The Middle Zone shall be the remainder of Missouri.

(I) The hunting season for blue, snow and Ross's geese closes on January 30, 2008, in order to implement a light goose Conservation Order.

1. Persons who possess a valid migratory bird permit may chase, pursue, and take blue, snow and Ross's geese between the hours of one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset from January 31, 2008 through April 30, 2008. Any other regulation notwithstanding, methods for the taking of blue, snow and Ross's geese include using shotguns capable of holding more than three (3) shells, and with the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds. Exceptions to the above permit requirement include landowners or lessees, as described in this code, and persons fifteen (15) years of age or younger, provided s/he is in the immediate presence of a properly licensed adult or has in his/her possession a valid hunter education certificate card. A daily bag limit will not be in effect January 30 through April 30, 2008.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed August 14, 2007, effective **September 1, 2007**.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.442 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-9.442 by adjusting the season for waterfowl hunting by falconers in 2007–2008 to conform to federal frameworks.

3 CSR 10-9.442 Falconry

PURPOSE: This amendment adjusts the season dates for hunting waterfowl by falconry for the 2007–2008 season as provided in the frameworks established by the U.S. Fish and Wildlife Service.

(2) Only designated types and numbers of birds of prey may be possessed and all these birds shall bear a numbered, nonreusable marker provided by the department. Birds held under a falconry permit

may be used, without further permit, to pursue and take wildlife within the following seasons and bag limits:

(E) Ducks, mergansers and coots may be taken from sunrise to sunset from September 8 through September 23, statewide, and from one-half hour before sunrise to sunset as follows: in the North Zone, October 20 through October 21, October 27 through December 25, and February 11 through March 10; in the Middle Zone, October 27 through October 28, November 3 through January 1, and February 11 through March 10; and, in the South Zone, November 17 through November 18, November 23 through January 21, and February 11 through March 10. Daily limit: three (3) birds singly or in the aggregate, including doves; possession limit: six (6) birds singly or in the aggregate, including doves.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed August 14, 2007, effective **September 1, 2007**.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.135 is amended.

This amendment establishes fishing seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-12.135 by establishing winter fishing methods on Everyday Pond at Missouri Western State University.

3 CSR 10-12.135 Fishing, Methods

PURPOSE: This amendment establishes winter fishing methods on Everyday Pond at Missouri Western State University.

(1) Fishing methods, other than the use of pole and line with lure or bait, are prohibited on lakes and ponds managed by the department under a cooperative agreement except as otherwise provided in this rule.

(3) Gizzard shad may be taken from lakes and ponds by dip net or throw net.

(4) Carp, buffalo, suckers and gar may be taken by gig, bow or crossbow during statewide seasons on the following lakes:

- (A) Brookfield City Lake
- (B) Bethany (North Bethany City Reservoir)
- (C) Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)
- (D) Fayette (D.C. Rogers Lake, Peters Lake)
- (E) Green City Lake
- (F) Hamilton City Lake
- (G) Harrison County Lake
- (H) Jackson County (Lake Jacomo, north of Colbern Road)
- (I) Kirksville (Hazel Creek Lake)
- (J) Maryville (Mozingo Lake)

- (K) Macon City Lake
- (L) Memphis (Lake Showme)
- (M) St. Louis County (Sunfish Lake)
- (N) Thousand Hills State Park (Forest Lake)
- (O) Unionville (Lake Mahoney)
- (P) Wakonda State Park lakes

(5) Carp, buffalo, suckers and gar may be taken by gig during statewide seasons on Jackson County (Prairie Lee Lake).

(6) Carp, buffalo, gar and shad may be taken by bow from sunrise to midnight throughout the year on Concordia (Edwin A. Pape Lake) and Higginsville City Lake.

(7) Fish may be taken with limb lines and bank lines on Thousand Hills State Park (Forest Lake).

(8) Only flies, artificial lures and soft plastic baits (unscented) may be used from November 1 through January 31 on the following lakes:

- (A) Columbia (Cosmo-Bethel Lake)
- (B) Jackson (Rotary Lake)
- (C) Jefferson City (McKay Park Lake)
- (D) Jennings (Koeneman Park Lake)
- (E) Kirksville (Spur Pond)
- (F) Kirkwood (Walker Lake)
- (G) Mexico (Kiwanis Lake)
- (H) Missouri Western State University (Everyday Pond)
- (I) Overland (Wild Acres Park Lake)
- (J) Sedalia (Liberty Park Pond)
- (K) St. Louis City (Jefferson Lake)
- (L) St. Louis County (Tilles Park Lake)

(9) From November 1 through January 31, not more than one (1) pole and line may be used by one (1) person at any time and the use of natural or scented baits as chum is prohibited on the following lakes:

- (A) Ballwin (Vlasis Park Lake)
- (B) Ferguson (January-Wabash Park Lake)
- (C) Jackson (Rotary Lake)
- (D) Jennings (Koeneman Park Lake)
- (E) Kirkwood (Walker Lake)
- (F) Overland (Wild Acres Park Lake)
- (G) St. Louis City (Boathouse Lake, Jefferson Lake, O'Fallon Park Lake)
- (H) St. Louis County (Suson Park Lakes No. 1, 2, 3, Tilles Park Lake)

(10) On Mingo National Wildlife Refuge, other fish as designated in 3 CSR 10-6.550 may be taken for personal use by nets and seines from March 15 through September 30. All gear shall be plainly labeled on a durable material with the name and address of the person using the equipment.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed August 14, 2007, effective **November 1, 2007**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.140 is amended.

This amendment establishes fishing seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-12.140 by establishing a winter catch and release trout fishery for Everyday Pond at Missouri Western State University.

3 CSR 10-12.140 Fishing, Daily and Possession Limits

PURPOSE: This amendment establishes a winter catch and release trout fishery for Everyday Pond at Missouri Western State University.

(2) The daily limit for black bass is two (2) on the following lakes:

- (C) Blue Springs (Lake Remembrance)
- (D) Bridgeton (Kiwanis Lake)
- (E) Butler City Lake
- (F) California (Proctor Park Lake)
- (G) Columbia (Stephens Lake, Twin Lake)
- (H) Concordia (Edwin A. Pape Lake)
- (I) Confederate Memorial State Historic Site lakes
- (J) Ferguson (January-Wabash Lake)
- (K) Higginsville City Lake
- (L) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
- (M) Jefferson City (McKay Park Lake)
- (N) Jennings (Koeneman Park Lake)
- (O) Keytesville (Maxwell Taylor Park Pond)
- (P) Kirksville (Hazel Creek Lake)
- (Q) Kirkwood (Walker Lake)
- (R) Mexico (Teal Lake)
- (S) Mineral Area College (Quarry Pond)
- (T) Overland (Wild Acres Park Lake)
- (U) Potosi (Roger Bilderback Lake)
- (V) Sedalia Water Department (Spring Fork Lake)
- (W) St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)
- (X) St. Charles County (Quail Ridge Park Lake)
- (Y) St. Louis City (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- (Z) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)
- (AA) Unionville (Lake Mahoney)
- (BB) University of Missouri (South Farm R-1 Lake)
- (CC) Warrensburg (Lion's Lake)
- (DD) Watkins Mill State Park Lake
- (EE) Wentzville (Community Club Lake)
- (FF) Windsor (Farrington Park Lake)

(11) The daily limit for fish other than those species listed as endangered in 3 CSR 10-4.111 or defined as game fish is twenty (20) in the aggregate, except on the following lakes where the daily limit is ten (10) in the aggregate, and except for those fish included in (4), (8), (9) and (10) of this rule:

- (E) Keytesville (Maxwell Taylor Park Pond)
- (F) Kirkwood (Walker Lake)
- (G) Mineral Area College (Quarry Pond)

- (H) Overland (Wild Acres Park Lake)
- (I) Potosi (Roger Bilderback Lake)
- (J) St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)
- (K) St. Charles County (Quail Ridge Park Lake)
- (L) St. Louis City (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- (M) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)
- (N) Wentzville (Community Club Lake)

(12) Trout must be returned to the water unharmed immediately after being caught from November 1 through January 31 on the lakes listed below. Trout may not be possessed on these waters during this season.

- (H) Missouri Western State University (Everyday Pond)
- (I) Overland (Wild Acres Park Lake)
- (J) Sedalia (Liberty Park Pond)
- (K) St. Louis City (Jefferson Lake)
- (L) St. Louis County (Tilles Park Lake)

(14) On St. Charles County (Henry's Pond) and Missouri Western State University (Everyday Pond), fish must be returned to the water unharmed immediately after being caught except that trout may be taken from Missouri Western State University (Everyday Pond) from February 1 through October 15.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed August 14, 2007, effective **November 1, 2007**.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 4—Grants

ORDER OF RULEMAKING

By the authority vested in the Missouri Clean Water Commission under section 644.026, RSMo 2000, the commission amends a rule as follows:

10 CSR 20-4.023 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2007 (32 MoReg 633-636). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held May 16, 2007, and the public comment period ended May 31, 2007. At the public hearing, Water Protection Program staff explained the proposed amendment and no comments were received. One letter, with two comments, was received by the Water Protection Program staff during the comment period.

COMMENT #1: Darren Krehbiel of Krehbiel Engineering, Inc. requested that the term "low technology" in subsection (14)(A) be defined.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (14)(A) will be changed to clarify which treatment alternatives are low technology.

COMMENT #2: Darren Krehbiel of Krehbiel Engineering, Inc. requested that the discussion related to infiltration and inflow and elimination of overflows be clarified and that the time allowed for addressing the elimination of overflows be addressed.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (14)(C) will be changed to clarify the time allowed for elimination of overflows. After making this change, it was not necessary to change subsection (14)(B).

10 CSR 20-4.023 State Forty Percent Construction Grant Program

(14) Facility Planning. Facility plans or engineering reports must be in accordance with 10 CSR 20-8, Wastewater Treatment Design Standards and accepted engineering practice.

(A) Communities that do not propose to employ a full-time operator, forty (40) hours per week, must evaluate passive or easy to operate treatment alternatives before considering a mechanical activated sludge package plant. Passive or easy to operate alternatives may include, but are not limited to, enhanced natural systems, submerged fixed film systems, sand filters, and recirculating pea gravel filters.

(C) The facility plan for a community that experiences sanitary sewer overflows (SSO) must address eventual elimination of the overflows. The project under review does not have to achieve the goal of SSO elimination. The facility plan may provide for elimination of the sanitary sewer overflows at some point in the future and be in compliance with any permit or enforcement schedules.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 4—Grants

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Natural Resources under section 640.600, RSMo 2000, the department amends a rule as follows:

10 CSR 20-4.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2007 (32 MoReg 636-638). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held May 16, 2007, and the public comment period ended May 31, 2007. At the public hearing, Water Protection Program staff explained the proposed amendment and no comments were received. One letter was received by the Water Protection Program staff during the comment period.

COMMENT: Darren Krehbiel of Krehbiel Engineering, Inc. requested that the department review subsection (2)(D) and consider the total cost of the project when calculating the fifty percent (50%) maximum rather than limiting each invoice to fifty percent (50%) reimbursement.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(D) will be changed to clarify that no more than fifty percent (50%) of the eligible costs will be reimbursed.

10 CSR 20-4.030 Grants for Sewer Districts and Certain SmallMunicipal Sewer Systems

(2) Eligibility Requirements.

(D) Other than pre-approved financing costs, no more than fifty percent (50%) of total eligible costs will be reimbursed through the grant. Grants shall be used for the following costs:

1. Construction contracts for the construction, rehabilitation or upgrade of publicly owned wastewater systems. House laterals are not eligible.

2. Engineering costs including design, planning and construction phase engineering if the costs are supported by an engineering agreement pre-approved by the department; and

3. One hundred percent (100%) of the reasonable costs of a grant anticipation loan will be eligible. Departmental approval must be obtained prior to securing the grant anticipation loan. Grant anticipation loan costs will be approved when they are needed for cash flow purposes for the period between the grant award and the first payment from the department. The approved costs of the grant anticipation notes will be in addition to the approved grant amount.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 4—Grants**

ORDER OF RULEMAKING

By the authority vested in the Missouri Clean Water Commission under section 644.026, RSMo 2000, the commission amends a rule as follows:

**10 CSR 20-4.061 Storm Water Grant and Loan Program
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2007 (32 MoReg 638-640). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held May 16, 2007, and the public comment period ended May 31, 2007. At the public hearing, Water Protection Program staff explained the proposed amendment and no comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 1—Grants and Loans**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Natural Resources under section 640.600, RSMo 2000, the department amends a rule as follows:

10 CSR 60-13.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2007 (32 MoReg 641-643). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held May 24, 2007, and the public comment period ended June 7, 2007. At the public hearing, Water Protection Program staff explained the proposed amendment and no comments were received. Three (3) letters were received by the Water Protection Program staff during the comment period.

COMMENT #1: Darren Krehbiel of Krehbiel Engineering, Inc. requested that the department review subsection (2)(D) and consider the total cost of the project when calculating the fifty percent (50%) maximum rather than limiting each invoice to fifty percent (50%) reimbursement.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (1)(D) will be changed to clarify that no more than fifty percent (50%) of the eligible costs will be reimbursed.

COMMENT #2: Gregory Branum, United States Department of Agriculture Rural Development State Director requested that the department review paragraph (1)(D)1. and clarify that the grants can be used for other costs other than enhancements that are necessary because of more stringent regulatory requirements.

RESPONSE AND EXPLANATION OF CHANGE: Paragraph (1)(D)1. will be changed to clarify the eligible projects funded through this grant program.

COMMENT #3: Gregory Branum, United States Department of Agriculture Rural Development State Director requested that the department consider allowing additional priority to projects which involve regionalization.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has added subsection (2)(D) to add that additional priority will be allowed for projects that involve regionalization.

**10 CSR 60-13.010 Grants for Public Water Supply Districts and
Small Municipal Water Supply Systems**

(1) Application Requirements.

(D) Other than pre-approved financing costs, no more than fifty percent (50%) of the total eligible cost will be reimbursed through the grant. Grant funds can be used for the following costs:

1. Construction contracts for new construction, rehabilitation or upgrade of publicly owned water systems including upgrades made to comply with additional safe drinking water requirements.

2. Engineering costs including design, planning and construction phase engineering if the costs are supported by an engineering agreement pre-approved by the department. The proportional cost of the engineering will be eligible when the project includes non-eligible construction costs.

3. One hundred percent (100%) of the reasonable costs of a grant anticipation loan will be eligible. Departmental approval must be obtained prior to securing the grant anticipation loan. Grant anticipation loan costs will be approved when they are needed for cash flow purposes for the period between the grant award and the first payment from the department. The approved costs of the grant anticipation notes will be in addition to the approved grant amount.

(2) Grant Priorities.

(D) Priority will be given to applicants who consider regionalization or for projects that include regionalization.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.010 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32

MoReg 763-764). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts
ORDER OF RULEMAKING**

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.020 Licensing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 764-769). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts
ORDER OF RULEMAKING**

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.030 Event Permits is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 770-773). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts
ORDER OF RULEMAKING**

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.040 Tickets and Taxes is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 774-777). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts
ORDER OF RULEMAKING**

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.050 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 778-779). The section with changes is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received, however, the office noted a referencing error.

20 CSR 2040-8.050 Contestants

(4) All fees involved with medical examinations and/or tests required in sections (1) and (2), in addition to any drug test required in subsection (6)(B) of this rule, shall be the responsibility of the promoter, contestant or applicant.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts
ORDER OF RULEMAKING**

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.060 Inspectors is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 779-782). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts
ORDER OF RULEMAKING**

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.070 Judges is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 783). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.080 Matchmakers is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 783–785). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.090 Physicians is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 786). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.100 Promoters is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 786–788). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.110 Referees is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 789–790). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.120 Seconds is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 790–791). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.130 Timekeepers is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 792-793). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.140 Fouls is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 794-795). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.150 Weight Classes is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 795). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.160 Attire and Equipment is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 795-797). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.170 Weigh-Ins is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 798). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

20 CSR 2040-8.180 Rules for Bouts/Contests is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 798-799). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Missouri Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

**20 CSR 2040-8.190 Facility and Equipment Requirements
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2007 (32 MoReg 799). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates, from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision, or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before October 17, 2007.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- E-mail:** Kathy.Hatfield@modot.mo.gov
- Mail:** PO Box 893, Jefferson City, MO 65102-0893
- Hand Delivery:** 1320 Creek Trail Drive, Jefferson City, MO 65109
- Instructions:** All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-

0893. Office hours are from 7:30 a.m. to 4:00 p.m., Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, *Missouri Revised Statutes* (RSMo) Supp. 2005, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP070605031

Renewal Applicant's Name & Age: William L. Dean, 58
Relevant Physical Condition: Mr. Dean's best corrected visual acuity in his right eye is 20/20 Snellen and his left eye is 20/50 Snellen and he has amblyopia in his left eye (lazy left eye).
Relevant Driving Experience: Mr. Dean has been employed as a driver for OATS since May 2006. He has approximately 13 years of commercial motor vehicle driving experience. He currently has a Class E driver's license. Drives personal vehicle(s) daily.
Doctor's Opinion & Date: Following an examination in June 2007, his optometrist certified, "In my medical opinion, Mr. Dean's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."
Traffic Accidents and Violations: No accidents or violations on record.

Application # MP041229090

Applicant's Name & Age: Calvin J. Leong, 56
Relevant Physical Condition: Mr. Leong has Refractive Amblyopia in his right eye and his best-corrected and uncorrected visual acuity in the right eye is 20/400 Snellen. His best corrected visual acuity in his left eye is 20/30 Snellen.
Relevant Driving Experience: Employed by IBC Wonder/Hostess, St. Louis, MO as a route sales driver/rep from 1991 to present. He drives a straight truck, step van approximately 7 hours per day. Drives personal vehicle(s) daily.
Doctor's Opinion & Date: Following an examination in July 2007, his optometrist certified, "In my medical opinion, Mr. Leong's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his

condition will not adversely affect his ability to operate a commercial motor vehicle safely.”

Traffic Accidents and Violations: No accidents and 2 traffic violations within the past 3 years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: August 15, 2007

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 9—Solid Waste Management Fund**

IN ADDITION

10 CSR 80-9.050 Solid Waste Management Fund—District Grants

A proposed amendment to 10 CSR 80-9.050 was published in the *Missouri Register* on February 15, 2007 (32 MoReg 323–331) and a final order of rulemaking was published in the *Missouri Register* on September 4, 2007 (32 MoReg 1480–1495). New language was added to subparagraph (5)(D)3.E. in the proposed amendment. However, this language did not appear in bold type in the proposed amendment. Subparagraph (5)(D)3.E. is reprinted below for clarification. This subparagraph will be published correctly in the September 30, 2007 update to the *Code of State Regulations*.

(5)(D)3.E. Degree to which the project promotes waste reduction or recycling **or results in an environmental benefit related to solid waste management** through the proposed process;

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

**Notice of Corporate Dissolution
To All Creditors of and
Claimants Against
Engineering Controls, INC.**

On July 27, 2007, Engineering Controls, Inc., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on July 27, 2007.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

Engineering Controls, Inc.
Attn: Warner H. Bauer
Address: 1586 Carman Valley Drive
Manchester, MO 63021

With copy to:

Sandberg, Phoenix & von Gontard P.C.
Attn: Anthony J. Soukenik, Esq.
One City Centre, 15th Floor
St. Louis, MO 63101
(314) 231-3332

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of Engineering Controls, Inc., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the three notices authorized by statute, whichever is published last.

Notice To the Unknown Creditors of Greater Columbia Realty, llc

You are hereby notified that on August 9, 2007, Greater Columbia Realty, llc, a Missouri limited liability company, the principal office of which was located in Columbia, MO, filed a Notice of Winding Up with the Secretary of State of Missouri.

In order to file a claim with the company, you must furnish the amount and the basis for the claim and provide all necessary documentation supporting this claim. All claims must be mailed to:

Greater Columbia Realty, llc
3500 Old Field Road
Columbia, MO 65203

A claim against Greater Columbia Realty, llc will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

NOTICE OF CORPORATION DISSOLUTION

To: All creditors of and claimants against HOWARD CONSTRUCTION COMPANY

On July 23, 2007, HOWARD CONSTRUCTION COMPANY, a Missouri corporation, Charter Number CC0096901, was dissolved pursuant to the filing of Articles of Dissolution by the Corporation Division, Missouri Secretary of State.

All persons or organizations having claims against HOWARD CONSTRUCTION COMPANY are required to present them immediately in writing to:

John A. Meier, Attorney at Law
4747 West 135th Street, Suite 100
Leawood, KS 66224

Each claim must contain the following information:

1. Name and current address of the claimant.
2. A clear and concise statement of the facts supporting the claim.
3. The date the claim was incurred.
4. The amount of money or alternate relief demanded.

NOTE: CLAIMS AGAINST HOWARD CONSTRUCTION COMPANY WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO YEARS AFTER PUBLICATION OF THIS NOTICE.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
PALEN ENTERPRISES, L.L.C.**

On August 3, 2007, PALEN ENTERPRISES, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Frank C. Carnahan, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-8.010	Commissioner of Administration		32 MoReg 970		
1 CSR 15-3.350	Administrative Hearing Commission		32 MoReg 1025		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.040	Animal Health		32 MoReg 971		
2 CSR 30-10.010	Animal Health		32 MoReg 578	32 MoReg 1350	
2 CSR 80-5.010	State Milk Board		32 MoReg 1093		
2 CSR 90-30.085	Weights and Measures		32 MoReg 1027		
2 CSR 110-3.010	Office of the Director		32 MoReg 1170		
DEPARTMENT OF CONSERVATION					
3 CSR 10-6.415	Conservation Commission		This Issue		
3 CSR 10-7.431	Conservation Commission		This Issue		
3 CSR 10-7.438	Conservation Commission		This Issue		
3 CSR 10-7.440	Conservation Commission		N.A.	32 MoReg 1350	
			N.A.	This Issue	
3 CSR 10-7.455	Conservation Commission				32 MoReg 261
3 CSR 10-9.110	Conservation Commission		This Issue		
3 CSR 10-9.442	Conservation Commission		N.A.	This Issue	
3 CSR 10-12.115	Conservation Commission		This Issue		
3 CSR 10-12.130	Conservation Commission		This Issue		
3 CSR 10-12.135	Conservation Commission		N.A.	This Issue	
3 CSR 10-12.140	Conservation Commission		N.A.	This Issue	
3 CSR 10-12.145	Conservation Commission		This Issue		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 240-23.020	Public Service Commission		32 MoReg 1096		
4 CSR 240-23.030	Public Service Commission		32 MoReg 1104		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 60-100.050	Division of Career Education		31 MoReg 1644R		
			32 MoReg 629R	32 MoReg 1351R	
5 CSR 80-800.200	Teacher Quality and Urban Education		32 MoReg 759		
5 CSR 80-800.220	Teacher Quality and Urban Education		32 MoReg 759		
5 CSR 80-800.230	Teacher Quality and Urban Education		32 MoReg 760		
5 CSR 80-800.260	Teacher Quality and Urban Education		32 MoReg 760		
5 CSR 80-800.270	Teacher Quality and Urban Education		32 MoReg 761		
5 CSR 80-800.280	Teacher Quality and Urban Education		32 MoReg 761		
5 CSR 80-800.350	Teacher Quality and Urban Education		32 MoReg 761		
5 CSR 80-800.360	Teacher Quality and Urban Education		32 MoReg 762		
5 CSR 80-800.380	Teacher Quality and Urban Education		32 MoReg 762		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-4.020	Missouri Highways and Transportation Commission		32 MoReg 629	32 MoReg 1424	
7 CSR 10-25.010	Missouri Highways and Transportation Commission				32 MoReg 1426 This Issue
7 CSR 10-25.030	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-25.050	Missouri Highways and Transportation Commission (Changed from 12 CSR 20-2.010)		This Issue		
7 CSR 10-25.060	Missouri Highways and Transportation Commission (Changed from 12 CSR 20-6.010)		This Issue		
7 CSR 10-25.070	Missouri Highways and Transportation Commission (Changed from 12 CSR 20-7.010)		This Issue		
7 CSR 10-25.071	Missouri Highways and Transportation Commission (Changed from 12 CSR 20-7.020)		This Issue		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
7 CSR 10-25.072	Missouri Highways and Transportation Commission (<i>Changed from 12 CSR 20-7.030</i>)		This Issue		
7 CSR 10-25.073	Missouri Highways and Transportation Commission (<i>Changed from 12 CSR 20-7.040</i>)		This Issue		
7 CSR 10-25.080	Missouri Highways and Transportation Commission (<i>Changed from 12 CSR 20-5.010</i>)		This Issue		
7 CSR 10-25.090	Missouri Highways and Transportation Commission (<i>Changed from 12 CSR 20-7.060</i>)		This Issue		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 30-5.010	Division of Labor Standards	32 MoReg 1463	32 MoReg 1466		
8 CSR 30-5.020	Division of Labor Standards	32 MoReg 1464	32 MoReg 1468		
8 CSR 30-5.030	Division of Labor Standards	32 MoReg 1465	32 MoReg 1472		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.100	Air Conservation Commission		32 MoReg 1115R		
10 CSR 10-2.210	Air Conservation Commission		32 MoReg 1175		
10 CSR 10-3.030	Air Conservation Commission		32 MoReg 1115R		
10 CSR 10-4.090	Air Conservation Commission		32 MoReg 1115R		
10 CSR 10-5.070	Air Conservation Commission		32 MoReg 1116R		
10 CSR 10-5.220	Air Conservation Commission		32 MoReg 215	32 MoReg 1351	
10 CSR 10-6.045	Air Conservation Commission		32 MoReg 1116		
10 CSR 10-6.110	Air Conservation Commission		32 MoReg 976		
10 CSR 10-6.241	Air Conservation Commission		32 MoReg 1118		
10 CSR 10-6.250	Air Conservation Commission		32 MoReg 1119		
10 CSR 10-6.260	Air Conservation Commission		32 MoReg 1180		
10 CSR 10-6.300	Air Conservation Commission		32 MoReg 538	32 MoReg 1424	
10 CSR 20-4.023	Clean Water Commission	32 MoReg 395	32 MoReg 633	This Issue	
10 CSR 20-4.030	Clean Water Commission	32 MoReg 396	32 MoReg 636	This Issue	
10 CSR 20-4.061	Clean Water Commission	32 MoReg 396	32 MoReg 638	This Issue	
10 CSR 25-2.020	Hazardous Waste Management Commission		32 MoReg 640		
10 CSR 60-13.010	Public Drinking Water Program	32 MoReg 398	32 MoReg 641	This Issue	
10 CSR 80-8.020	Solid Waste Management		32 MoReg 224	32 MoReg 1358	
10 CSR 80-8.030	Solid Waste Management		32 MoReg 226	32 MoReg 1359	
10 CSR 80-8.040	Solid Waste Management		32 MoReg 227R	32 MoReg 1359R	
10 CSR 80-8.050	Solid Waste Management		32 MoReg 228	32 MoReg 1360	
10 CSR 80-8.060	Solid Waste Management		32 MoReg 238	32 MoReg 1360	
10 CSR 80-9.010	Solid Waste Management		32 MoReg 323R	32 MoReg 1480R	
10 CSR 80-9.030	Solid Waste Management		32 MoReg 241	32 MoReg 1361	
10 CSR 80-9.035	Solid Waste Management		32 MoReg 242	32 MoReg 1361	
10 CSR 80-9.050	Solid Waste Management		32 MoReg 323	32 MoReg 1480	This Issue
10 CSR 140-2	Division of Energy				32 MoReg 599
10 CSR 140-6.010	Division of Energy		32 MoReg 696	32 MoReg 1495	
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 10-3.015	Adjutant General		32 MoReg 1182		
11 CSR 40-5.110	Division of Fire Safety		32 MoReg 841		
11 CSR 45-1.090	Missouri Gaming Commission		32 MoReg 579	32 MoReg 1495	
11 CSR 45-5.051	Missouri Gaming Commission		32 MoReg 581	32 MoReg 1496	
11 CSR 45-5.183	Missouri Gaming Commission		32 MoReg 581	32 MoReg 1496	
11 CSR 45-5.184	Missouri Gaming Commission		32 MoReg 582	32 MoReg 1496	
11 CSR 45-5.185	Missouri Gaming Commission		32 MoReg 585	32 MoReg 1499	
11 CSR 45-5.265	Missouri Gaming Commission		32 MoReg 587	32 MoReg 1501	
11 CSR 45-8.130	Missouri Gaming Commission		32 MoReg 590	32 MoReg 1502	
11 CSR 45-9.030	Missouri Gaming Commission		32 MoReg 591	32 MoReg 1503	
11 CSR 50-2.400	Missouri State Highway Patrol		32 MoReg 1122R		
DEPARTMENT OF REVENUE					
12 CSR 10-3.184	Director of Revenue		This IssueR		
12 CSR 10-3.466	Director of Revenue		This IssueR		
12 CSR 10-3.468	Director of Revenue		This IssueR		
12 CSR 10-6.100	Director of Revenue	This Issue	This Issue		
12 CSR 10-22.010	Director of Revenue		This IssueR		
12 CSR 10-22.020	Director of Revenue		This IssueR		
12 CSR 10-23.170	Director of Revenue		32 MoReg 1031R		
12 CSR 10-23.220	Director of Revenue		32 MoReg 1031R		
12 CSR 10-23.285	Director of Revenue		32 MoReg 1031R		
12 CSR 10-23.295	Director of Revenue		32 MoReg 1031		
12 CSR 10-23.365	Director of Revenue	This IssueR	This IssueR		
12 CSR 10-23.415	Director of Revenue		32 MoReg 1033R		
12 CSR 10-23.460	Director of Revenue		32 MoReg 1033R		
12 CSR 10-24.444	Director of Revenue		This Issue		
12 CSR 10-26.200	Director of Revenue		This Issue		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
12 CSR 10-103.380	Director of Revenue	This Issue	This Issue		
12 CSR 10-103.381	Director of Revenue	This Issue	This Issue		
12 CSR 10-103.400	Director of Revenue	This Issue	This Issue		
12 CSR 10-103.555	Director of Revenue	This Issue	This Issue		
12 CSR 10-108.100	Director of Revenue		This Issue		
12 CSR 10-110.200	Director of Revenue	This Issue	This Issue		
12 CSR 10-110.201	Director of Revenue	This Issue	This Issue		
12 CSR 10-110.210	Director of Revenue	This Issue	This Issue		
12 CSR 10-110.300	Director of Revenue	This Issue	This Issue		
12 CSR 10-110-600	Director of Revenue	This Issue	This Issue		
12 CSR 10-110.601	Director of Revenue	This Issue	This Issue		
12 CSR 10-111.010	Director of Revenue		This Issue		
12 CSR 10-111.011	Director of Revenue	This Issue	This Issue		
12 CSR 10-111.061	Director of Revenue	This Issue	This Issue		
12 CSR 10-111.100	Director of Revenue	This Issue	This Issue		
12 CSR 10-111.101	Director of Revenue	This Issue	This Issue		
12 CSR 10-112.010	Director of Revenue	This Issue	This Issue		
12 CSR 10-400.250	Director of Revenue		This Issue		
12 CSR 20-1.010	Director of Revenue		This IssueR		
12 CSR 20-2.010	Director of Revenue (<i>Changed to 7 CSR 10-25.050</i>)		This Issue		
12 CSR 20-4.010	Director of Revenue		This IssueR		
12 CSR 20-5.010	Director of Revenue (<i>Changed to 7 CSR 10-25.080</i>)		This Issue		
12 CSR 20-6.010	Director of Revenue (<i>Changed to 7 CSR 10-25.060</i>)		This Issue		
12 CSR 20-7.010	Director of Revenue (<i>Changed to 7 CSR 10-25.070</i>)		This Issue		
12 CSR 20-7.020	Director of Revenue (<i>Changed to 7 CSR 10-25.071</i>)		This Issue		
12 CSR 20-7.030	Director of Revenue (<i>Changed to 7 CSR 10-25.072</i>)		This Issue		
12 CSR 20-7.040	Director of Revenue (<i>Changed to 7 CSR 10-25.073</i>)		This Issue		
12 CSR 20-7.050	Director of Revenue		This IssueR		
12 CSR 20-7.060	Director of Revenue (<i>Changed to 7 CSR 10-25.090</i>)		This Issue		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 35-32.010	Children's Division		32 MoReg 1122		
13 CSR 40-2.370	Family Support Division		32 MoReg 1033		
13 CSR 40-32.010	Family Support Division	32 MoReg 693	32 MoReg 1123R		
13 CSR 70-3.020	Division of Medical Services		32 MoReg 697	32 MoReg 1505	
13 CSR 70-3.030	Division of Medical Services		32 MoReg 698	32 MoReg 1424	
13 CSR 70-3.170	Division of Medical Services	32 MoReg 1167	32 MoReg 1183		
13 CSR 70-10.015	Division of Medical Services		32 MoReg 700		
13 CSR 70-10.030	Division of Medical Services	32 MoReg 1168	32 MoReg 1186		
13 CSR 70-10.060	Division of Medical Services		This Issue		
13 CSR 70-10.080	Division of Medical Services		32 MoReg 716		
13 CSR 70-15.030	Division of Medical Services		32 MoReg 1396		
13 CSR 70-15.110	Division of Medical Services	32 MoReg 1169	32 MoReg 1189		
13 CSR 70-15.180	Division of Medical Services	32 MoReg 1087			
ELECTED OFFICIALS					
15 CSR 30-52.030	Secretary of State		32 MoReg 1123		
BOARDS OF POLICE COMMISSIONERS					
17 CSR 20-2.025	St. Louis Board of Police Commissioners		32 MoReg 1472		
17 CSR 20-2.035	St. Louis Board of Police Commissioners		32 MoReg 1473		
17 CSR 20-2.075	St. Louis Board of Police Commissioners		32 MoReg 1473		
17 CSR 20-2.085	St. Louis Board of Police Commissioners		32 MoReg 1474		
17 CSR 20-2.105	St. Louis Board of Police Commissioners		32 MoReg 1474		
17 CSR 20-2.125	St. Louis Board of Police Commissioners		32 MoReg 1475		
17 CSR 20-2.135	St. Louis Board of Police Commissioners		32 MoReg 1476		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 20-20.010	Division of Community and Public Health	32 MoReg 1087	32 MoReg 1124		
19 CSR 20-20.050	Division of Community and Public Health	32 MoReg 1089	32 MoReg 1125		
19 CSR 25-36.010	Division of Administration		32 MoReg 1125		
19 CSR 30-20.021	Division of Regulation and Licensure		32 MoReg 1191R		32 MoReg 1427
19 CSR 30-20.080	Division of Regulation and Licensure		32 MoReg 1191		
19 CSR 30-20.082	Division of Regulation and Licensure		32 MoReg 1197		
19 CSR 30-20.084	Division of Regulation and Licensure		32 MoReg 1202		
19 CSR 30-20.086	Division of Regulation and Licensure		32 MoReg 1202		
19 CSR 30-20.088	Division of Regulation and Licensure		32 MoReg 1208		
19 CSR 30-20.090	Division of Regulation and Licensure		32 MoReg 1213		
19 CSR 30-20.092	Division of Regulation and Licensure		32 MoReg 1218		
19 CSR 30-20.094	Division of Regulation and Licensure		32 MoReg 1224		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 30-20.096	Division of Regulation and Licensure		32 MoReg 1230		
19 CSR 30-20.098	Division of Regulation and Licensure		32 MoReg 1236		
19 CSR 30-20.100	Division of Regulation and Licensure		32 MoReg 1242		
19 CSR 30-20.102	Division of Regulation and Licensure		32 MoReg 1249		
19 CSR 30-20.104	Division of Regulation and Licensure		32 MoReg 1254		
19 CSR 30-20.106	Division of Regulation and Licensure		32 MoReg 1259		
19 CSR 30-20.108	Division of Regulation and Licensure		32 MoReg 1259		
19 CSR 30-20.110	Division of Regulation and Licensure		32 MoReg 1264		
19 CSR 30-20.112	Division of Regulation and Licensure		32 MoReg 1270		
19 CSR 30-20.114	Division of Regulation and Licensure		32 MoReg 1275		
19 CSR 30-20.116	Division of Regulation and Licensure		32 MoReg 1282		
19 CSR 30-20.118	Division of Regulation and Licensure		32 MoReg 1288		
19 CSR 30-20.120	Division of Regulation and Licensure		32 MoReg 1291		
19 CSR 30-20.122	Division of Regulation and Licensure		32 MoReg 1294		
19 CSR 30-20.124	Division of Regulation and Licensure		32 MoReg 1297		
19 CSR 30-20.126	Division of Regulation and Licensure		32 MoReg 1300		
19 CSR 30-20.128	Division of Regulation and Licensure		32 MoReg 1303		
19 CSR 30-20.130	Division of Regulation and Licensure		32 MoReg 1306		
19 CSR 30-20.132	Division of Regulation and Licensure		32 MoReg 1309		
19 CSR 30-20.134	Division of Regulation and Licensure		32 MoReg 1312		
19 CSR 30-20.136	Division of Regulation and Licensure		32 MoReg 1315		
19 CSR 30-20.138	Division of Regulation and Licensure		32 MoReg 1318		
19 CSR 30-20.140	Division of Regulation and Licensure		32 MoReg 1321		
19 CSR 30-20.142	Division of Regulation and Licensure		32 MoReg 1324		
19 CSR 60-50	Missouri Health Facilities Review Committee				32 MoReg 1507
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Construction Claims Binding Arbitration Cap				32 MoReg 667
20 CSR	Medical Malpractice				30 MoReg 481
					31 MoReg 616
					32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108
					30 MoReg 2587
					31 MoReg 2019
20 CSR	State Legal Expense Fund Cap				32 MoReg 668
20 CSR 500-5.020	Property and Casualty		32 MoReg 1397		
20 CSR 500-5.025	Property and Casualty		32 MoReg 1407		
20 CSR 500-5.026	Property and Casualty		32 MoReg 1407		
20 CSR 500-5.027	Property and Casualty		32 MoReg 1408		
20 CSR 600-1.030	Statistical Reporting	32 MoReg 1023	32 MoReg 1034		
20 CSR 700-4.100	Licensing		32 MoReg 718	32 MoReg 1506	
20 CSR 700-6.350	Licensing		31 MoReg 931		
20 CSR 2030-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1129		
20 CSR 2030-2.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1129		
20 CSR 2030-4.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1129		
20 CSR 2030-4.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1130		
20 CSR 2030-5.110	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1131		
20 CSR 2030-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1131		
20 CSR 2030-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1131		
20 CSR 2030-11.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1132		
20 CSR 2030-11.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1132		
20 CSR 2030-16.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1133		
20 CSR 2030-16.100	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1133		
20 CSR 2030-17.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1134		
20 CSR 2030-17.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1134		
20 CSR 2030-18.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1134		
20 CSR 2040-3.030	Office of Athletics		32 MoReg 719	32 MoReg 1424	
20 CSR 2040-4.090	Office of Athletics		32 MoReg 719	32 MoReg 1425	
20 CSR 2040-8.010	Office of Athletics		32 MoReg 763	This Issue	
20 CSR 2040-8.020	Office of Athletics		32 MoReg 764	This Issue	
20 CSR 2040-8.030	Office of Athletics		32 MoReg 770	This Issue	
20 CSR 2040-8.040	Office of Athletics		32 MoReg 774	This Issue	
20 CSR 2040-8.050	Office of Athletics		32 MoReg 778	This Issue	
20 CSR 2040-8.060	Office of Athletics		32 MoReg 779	This Issue	

[illegible]

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2085-12.030	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-12.035	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-12.040	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-12.050	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-12.060	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-12.070	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-12.080	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-12.090	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-13.010	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-13.020	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-13.030	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-13.040	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-13.050	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-13.060	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-13.070	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-13.080	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-13.090	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-13.100	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2085-14.010	Board of Cosmetology and Barber Examiners		This Issue		
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20 CSR 2090-1.010	State Board of Cosmetology		This IssueR		
20 CSR 2090-2.010	State Board of Cosmetology		This IssueR		
20 CSR 2090-2.020	State Board of Cosmetology		This IssueR		
20 CSR 2090-2.030	State Board of Cosmetology		This IssueR		
20 CSR 2090-3.010	State Board of Cosmetology		This IssueR		
20 CSR 2090-4.010	State Board of Cosmetology		This IssueR		
20 CSR 2090-4.020	State Board of Cosmetology		This IssueR		
20 CSR 2090-5.010	State Board of Cosmetology		This IssueR		
20 CSR 2090-7.010	State Board of Cosmetology		This IssueR		
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20 CSR 2090-9.010	State Board of Cosmetology		This IssueR		
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20 CSR 2090-12.010	State Board of Cosmetology		This IssueR		
20 CSR 2090-12.020	State Board of Cosmetology		This IssueR		
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20 CSR 2090-12.050	State Board of Cosmetology		This IssueR		
20 CSR 2090-12.060	State Board of Cosmetology		This IssueR		
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20 CSR 2090-13.030	State Board of Cosmetology		This IssueR		
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20 CSR 2090-13.070	State Board of Cosmetology		This IssueR		
20 CSR 2090-14.010	State Board of Cosmetology		This IssueR		
20 CSR 2110-2.070	Missouri Dental Board		32 MoReg 1408		
20 CSR 2110-2.071	Missouri Dental Board		32 MoReg 1409		
20 CSR 2110-2.190	Missouri Dental Board		32 MoReg 988		
20 CSR 2110-2.210	Missouri Dental Board		32 MoReg 988		
20 CSR 2150-2.001	State Board of Registration for the Healing Arts		32 MoReg 1409		
20 CSR 2150-3.010	State Board of Registration for the Healing Arts		32 MoReg 1347		
20 CSR 2150-3.020	State Board of Registration for the Healing Arts		32 MoReg 1410		
20 CSR 2150-3.090	State Board of Registration for the Healing Arts		32 MoReg 1410		
20 CSR 2150-4.052	State Board of Registration for the Healing Arts		32 MoReg 1347		
20 CSR 2150-4.200	State Board of Registration for the Healing Arts		32 MoReg 1411R		
20 CSR 2150-4.205	State Board of Registration for the Healing Arts		32 MoReg 1411		
20 CSR 2150-6.020	State Board of Registration for the Healing Arts		32 MoReg 1348		
20 CSR 2150-9.050	State Board of Registration for the Healing Arts		32 MoReg 1349		
20 CSR 2200-2.001	State Board of Nursing		32 MoReg 843R		
			32 MoReg 843		
20 CSR 2200-2.010	State Board of Nursing		32 MoReg 844R		
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20 CSR 2200-2.020	State Board of Nursing		32 MoReg 853R		
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20 CSR 2200-2.035	State Board of Nursing		32 MoReg 854R		
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20 CSR 2200-2.040	State Board of Nursing		32 MoReg 855R		
			32 MoReg 855		

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20 CSR 2200-2.050	State Board of Nursing		32 MoReg 859R 32 MoReg 859		
20 CSR 2200-2.060	State Board of Nursing		32 MoReg 861R 32 MoReg 861		
20 CSR 2200-2.070	State Board of Nursing		32 MoReg 864R 32 MoReg 864		
20 CSR 2200-2.080	State Board of Nursing		32 MoReg 866R 32 MoReg 866		
20 CSR 2200-2.085	State Board of Nursing		32 MoReg 866R 32 MoReg 867		
20 CSR 2200-2.090	State Board of Nursing		32 MoReg 867R 32 MoReg 867		
20 CSR 2200-2.100	State Board of Nursing		32 MoReg 868R 32 MoReg 868		
20 CSR 2200-2.110	State Board of Nursing		32 MoReg 869R 32 MoReg 869		
20 CSR 2200-2.120	State Board of Nursing		32 MoReg 872R 32 MoReg 872		
20 CSR 2200-2.130	State Board of Nursing		32 MoReg 872R 32 MoReg 873		
20 CSR 2200-2.180	State Board of Nursing		32 MoReg 873R 32 MoReg 873		
20 CSR 2200-3.001	State Board of Nursing		32 MoReg 877R 32 MoReg 877		
20 CSR 2200-3.010	State Board of Nursing		32 MoReg 878R 32 MoReg 878		
20 CSR 2200-3.020	State Board of Nursing		32 MoReg 887R 32 MoReg 887		
20 CSR 2200-3.030	State Board of Nursing		32 MoReg 887R 32 MoReg 888		
20 CSR 2200-3.035	State Board of Nursing		32 MoReg 888R 32 MoReg 888		
20 CSR 2200-3.040	State Board of Nursing		32 MoReg 889R 32 MoReg 889		
20 CSR 2200-3.050	State Board of Nursing		32 MoReg 893R 32 MoReg 893		
20 CSR 2200-3.060	State Board of Nursing		32 MoReg 895R 32 MoReg 895		
20 CSR 2200-3.070	State Board of Nursing		32 MoReg 898R 32 MoReg 898		
20 CSR 2200-3.080	State Board of Nursing		32 MoReg 900R 32 MoReg 900		
20 CSR 2200-3.085	State Board of Nursing		32 MoReg 900R 32 MoReg 901		
20 CSR 2200-3.090	State Board of Nursing		32 MoReg 901R 32 MoReg 901		
20 CSR 2200-3.100	State Board of Nursing		32 MoReg 902R 32 MoReg 902		
20 CSR 2200-3.110	State Board of Nursing		32 MoReg 903R 32 MoReg 903		
20 CSR 2200-3.120	State Board of Nursing		32 MoReg 906R 32 MoReg 906		
20 CSR 2200-3.130	State Board of Nursing		32 MoReg 906R 32 MoReg 907		
20 CSR 2200-3.180	State Board of Nursing		32 MoReg 907R 32 MoReg 907		
20 CSR 2200-4.020	State Board of Nursing		32 MoReg 988		
20 CSR 2210-2.030	State Board of Optometry		32 MoReg 1135		
20 CSR 2230-1.010	State Board of Podiatric Medicine		32 MoReg 1412		
20 CSR 2230-1.020	State Board of Podiatric Medicine		32 MoReg 1412		
20 CSR 2230-2.010	State Board of Podiatric Medicine		32 MoReg 1414		
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20 CSR 2230-2.021	State Board of Podiatric Medicine		32 MoReg 1418		
20 CSR 2230-2.023	State Board of Podiatric Medicine		32 MoReg 1418		
20 CSR 2230-2.050	State Board of Podiatric Medicine		32 MoReg 1422		
20 CSR 2230-2.065	State Board of Podiatric Medicine		32 MoReg 1422		
20 CSR 2232-1.040	Missouri State Committee of Interpreters		32 MoReg 1476		
20 CSR 2235-2.040	State Committee of Psychologists		32 MoReg 720	32 MoReg 1425	
20 CSR 2245-3.005	Real Estate Appraisers		32 MoReg 65	32 MoReg 928	32 MoReg 1363
20 CSR 2245-7.010	Real Estate Appraisers		32 MoReg 1423		
20 CSR 2255-4.010	Missouri Board for Respiratory Care		32 MoReg 1349		
20 CSR 2270-2.021	Missouri Veterinary Medical Board		32 MoReg 992		
20 CSR 2270-2.031	Missouri Veterinary Medical Board		32 MoReg 992		
20 CSR 2270-4.011	Missouri Veterinary Medical Board		32 MoReg 993		

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Department of Higher Education**Commissioner of Higher Education**

6 CSR 10-2.140	Institutional Eligibility for Student Participation	Next Issue	March 4, 2008
6 CSR 10-2.150	Student Eligibility for Application Procedures	Next Issue	March 4, 2008

Department of Labor and Industrial Relations**Division of Labor Standards**

8 CSR 30-5.010	Filing for Arbitration	32 MoReg 1463	February 28, 2008
8 CSR 30-5.020	Hearings Procedures for Arbitration	32 MoReg 1464	February 28, 2008
8 CSR 30-5.030	Awards by the Arbitrator	32 MoReg 1465	February 28, 2008

Department of Revenue**Director of Revenue**

12 CSR 10-6.100	Motor Fuel Tax Exemption for Operators of Public Mass Transportation Service	This Issue	February 23, 2008
12 CSR 10-23.365	Issuance of Nonresident Salvage-Buyer's Identification Card	This Issue	February 23, 2008
12 CSR 10-103.380	Photographers, Photofinishers and Photoengravers, as Defined in Section 144.030, RSMo	This Issue	February 23, 2008
12 CSR 10-103.381	Items Used or Consumed by Photographers, Photofinishers and Photoengravers, as Defined in Section 144.054, RSMo	This Issue	February 23, 2008
12 CSR 10-103.400	Sales Tax on Vending Machine Sales, as Defined in Section 144.054, RSMo	This Issue	February 23, 2008
12 CSR 10-103.555	Determining Taxable Gross Receipts	This Issue	February 23, 2008
12 CSR 10-110.200	Ingredient or Component Part Exemption, as Defined in Section 144.030, RSMo	This Issue	February 23, 2008
12 CSR 10-110.201	Materials and Other Goods Used or Consumed in Manufacturing, as Defined in Section 144.054, RSMo	This Issue	February 23, 2008
12 CSR 10-110.210	Television and Radio Broadcasters	This Issue	February 23, 2008
12 CSR 10-110.300	Common Carriers	This Issue	February 23, 2008
12 CSR 10-110.600	Electrical Energy, as Defined in Section 144.030, RSMo	This Issue	February 23, 2008
12 CSR 10-110.601	Electrical, Other Energy and Water, as Defined in Section 144.054, RSMo	This Issue	February 23, 2008
12 CSR 10-111.011	Machinery, Equipment, Materials, and Chemicals Used or Consumed in Manufacturing, as Defined in Section 144.054, RSMo	This Issue	February 23, 2008
12 CSR 10-111.061	Exempt Items Used or Consumed in Materials Recovery Processing, as Defined in Section 144.054, RSMo	This Issue	February 23, 2008
12 CSR 10-111.100	Commercial Printers, as Defined in Section 144.030, RSMo	This Issue	February 23, 2008
12 CSR 10-111.101	Items Used or Consumed by Commercial Printers, as Defined in Section 144.054, RSMo	This Issue	February 23, 2008
12 CSR 10-112.010	Contractors	This Issue	February 23, 2008

Department of Social Services**Family Support Division**

13 CSR 40-32.010	Basis of Payment	32 MoReg 693	September 27, 2007
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Division of Medical Services

13 CSR 70-3.170	Medicaid Managed Care Organization Reimbursement Allowance	32 MoReg 1167	December 27, 2007
13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services	32 MoReg 1168	December 27, 2007
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	32 MoReg 1169	December 27, 2007
13 CSR 70-15.180	Grant to Trauma Hospitals for the Care Provided by Physicians Not Employed by the Hospital	32 MoReg 1087	December 12, 2007

Elected Officials**Secretary of State**

15 CSR 30-70.010	Definitions	Next Issue	February 28, 2008
15 CSR 30-70.020	Application Assistant Training, Registration and Renewal	Next Issue	February 28, 2008
15 CSR 30-70.030	Program Participant Application and Certification Process	Next Issue	February 28, 2008
15 CSR 30-70.040	Cancellation of Program Certification	Next Issue	February 28, 2008
15 CSR 30-70.050	Exercise of Program Participant's Privileges	Next Issue	February 28, 2008
15 CSR 30-70.060	Service of Process	Next Issue	February 28, 2008
15 CSR 30-70.070	Program Participant Renewal	Next Issue	February 28, 2008
15 CSR 30-70.080	Agency Disclosure Request	Next Issue	February 28, 2008
15 CSR 30-70.090	Disclosure to Law Enforcement	Next Issue	February 28, 2008

Department of Health and Senior Services

Division of Community and Public Health

- 19 CSR 20-20.010** Definitions Relating to Communicable, Environmental and Occupational Diseases 32 MoReg 1087 January 1, 2008
- 19 CSR 20-20.050** Quarantine or Isolation Practices and Closing of Schools and Places of Public and Private Assembly 32 MoReg 1089 January 1, 2008

Division of Maternal, Child and Family Health

- 19 CSR 40-7.040** Definitions October 15, 2007 Issue . . . March 14, 2008
- 19 CSR 40-7.050** Program Eligibility October 15, 2007 Issue . . . March 14, 2008
- 19 CSR 40-7.060** Application Process October 15, 2007 Issue . . . March 14, 2008
- 19 CSR 40-10.010** Payments for Sexual Assault Forensic Examinations October 15, 2007 Issue . . . March 7, 2008

Department of Insurance, Financial Institutions and Professional Registration

Statistical Reporting

- 20 CSR 600-1.030** Medical Malpractice Statistical Data Reporting 32 MoReg 1023 February 28, 2008

**Executive
Orders****Subject Matter****Filed Date****Publication**2007

07-01	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
07-02	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	32 MoReg 298
07-03	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	32 MoReg 299
07-04	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	32 MoReg 301
07-05	Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	32 MoReg 406
07-06	Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	32 MoReg 408
07-07	Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	32 MoReg 410
07-08	Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12	February 6, 2007	32 MoReg 524
07-09	Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet	February 23, 2007	32 MoReg 571
07-10	Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services	February 23, 2007	32 MoReg 573
07-11	Designates members of staff with supervisory authority over selected state agencies	February 23, 2007	32 MoReg 576
07-12	Orders agencies to support measures that promote transparency in health care	March 2, 2007	32 MoReg 625
07-13	Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States	March 6, 2007	32 MoReg 627
07-14	Creates and establishes the Missouri Mentor Initiative, under which up to 200 full-time employees of the state of Missouri are eligible for one hour per week of paid approved work to mentor in Missouri public primary and secondary schools up to 40 hours annually	April 11, 2007	32 MoReg 757
07-15	Gov. Matt Blunt increases the membership of the Mental Health Transformation Working Group from eighteen to twenty-four members	April 23, 2007	32 MoReg 839
07-16	Creates and establishes the Governor's "Crime Laboratory Review Commission" within the Department of Public Safety	June 7, 2007	32 MoReg 1090
07-17	Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding	May 7, 2007	32 MoReg 963
07-18	Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5	May 7, 2007	32 MoReg 965
07-19	Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in a flood relief	May 7, 2007	32 MoReg 967
07-20	Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency	May 7, 2007	32 MoReg 969
07-21	Orders agencies to evaluate the performance of all employees pursuant to the procedures of the Division of Personnel within the Office of Administration and that those evaluations be recorded in the Productivity, Excellence and Results for Missouri (PERforM) State Employee Online Appraisal System	July 11, 2007	32 MoReg 1389
07-22	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on June 4, 2007	July 3, 2007	32 MoReg 1391

**Executive
Orders**

Subject Matter	Filed Date	Publication
07-23 Activates the state militia in response to the aftermath of severe storms that began on June 4, 2007	July 3, 2007	32 MoReg 1393
07-24 Orders the Commissioner of Administration to establish the Missouri Accountability Portal as a free Internet-based tool allowing citizens to view the financial transactions related to the purchase of goods and services and the distribution of funds for state programs	July 11, 2007	32 MoReg 1394
07-25 Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated	August 24, 2007	Next Issue
07-26 Creates a Director/Administrator level multi-agency task force to address the concerns associated with feral hogs	August 30, 2007	Next Issue

2006

06-01 Designates members of staff with supervisory authority over selected state agencies	January 10, 2006	31 MoReg 281
06-02 Extends the deadline for the State Retirement Consolidation Commission to issue its final report and terminate operations to March 1, 2006	January 11, 2006	31 MoReg 283
06-03 Creates and establishes the Missouri Healthcare Information Technology Task Force	January 17, 2006	31 MoReg 371
06-04 Governor Matt Blunt transfers functions, personnel, property, etc. of the Division of Finance, the State Banking Board, the Division of Credit Unions, and the Division of Professional Registration to the Department of Insurance. Renames the Department of Insurance as the Missouri Department of Insurance, Financial Institutions and Professional Registration. Effective August 28, 2006	February 1, 2006	31 MoReg 448
06-05 Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Rx Plan Advisory Commission to the Missouri Department of Health and Senior Services. Effective August 28, 2006	February 1, 2006	31 MoReg 451
06-06 Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Assistive Technology Advisory Council to the Missouri Department of Elementary and Secondary Education. Rescinds certain provisions of Executive Order 04-08. Effective August 28, 2006	February 1, 2006	31 MoReg 453
06-07 Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Life Sciences Research Board to the Missouri Department of Economic Development	February 1, 2006	31 MoReg 455
06-08 Names the state office building, located at 1616 Missouri Boulevard, Jefferson City, Missouri, in honor of George Washington Carver	February 7, 2006	31 MoReg 457
06-09 Directs and orders that the Director of the Department of Public Safety is the Homeland Security Advisor to the Governor, reauthorizes the Homeland Security Advisory Council and assigns them additional duties	February 10, 2006	31 MoReg 460
06-10 Establishes the Government, Faith-based and Community Partnership	March 7, 2006	31 MoReg 577
06-11 Orders and directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property and to employ such equipment as may be necessary in support of civilian authorities	March 13, 2006	31 MoReg 580
06-12 Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	March 13, 2006	31 MoReg 582
06-13 The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the public health and safety during the period of the emergency and the subsequent recovery period	March 13, 2006	31 MoReg 584
06-14 Declares a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	April 3, 2006	31 MoReg 643
06-15 Orders and directs the Adjutant General, or his designee, to call and order into active service portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and take such action and employ such equipment as may be necessary in support of civilian authorities, and provide assistance as authorized and directed by the Governor	April 3, 2006	31 MoReg 645
06-16 Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 647
06-17 Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 649

Executive Orders	Subject Matter	Filed Date	Publication
06-18	Authorizes the investigators from the Division of Fire Safety, the Park Rangers from the Department of Natural Resources, the Conservation Agents from the Department of Conservation, and other POST certified state agency investigators to exercise full state wide police authority as vested in Missouri peace officers pursuant to Chapter 590, RSMo during the period of this state declaration of emergency	April 3, 2006	31 MoReg 651
06-19	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	April 3, 2006	31 MoReg 652
06-20	Creates interim requirements for overdimension and overweight permits for commercial motor carriers engaged in storm recovery efforts	April 5, 2006	31 MoReg 765
06-21	Designates members of staff with supervisory authority over selected state agencies	June 2, 2006	31 MoReg 1055
06-22	Healthy Families Trust Fund	June 22, 2006	31 MoReg 1137
06-23	Establishes Interoperable Communication Committee	June 27, 2006	31 MoReg 1139
06-24	Establishes Missouri Abraham Lincoln Bicentennial Commission	July 3, 2006	31 MoReg 1209
06-25	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	July 20, 2006	31 MoReg 1298
06-26	Directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	July 20, 2006	31 MoReg 1300
06-27	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	July 21, 2006	31 MoReg 1302
06-28	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	July 22, 2006	31 MoReg 1304
06-29	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	August 11, 2006	31 MoReg 1389
06-30	Extends the declaration of emergency contained in Executive Order 06-25 and the terms of Executive Order 06-27 through September 22, 2006, for the purpose of continuing the cleanup efforts in the east central part of the State of Missouri	August 18, 2006	31 MoReg 1466
06-31	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	September 23, 2006	31 MoReg 1699
06-32	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	September 26, 2006	31 MoReg 1701
06-33	Governor Matt Blunt orders all state employees to enable any state owned wireless telecommunications device capable of receiving text messages or emails to receive wireless AMBER alerts	October 4, 2006	31 MoReg 1847
06-34	Governor Matt Blunt amends Executive Order 03-26 relating to the duties of the Information Technology Services Division and the Information Technology Advisory Board	October 11, 2006	31 MoReg 1849
06-35	Governor Matt Blunt creates the Interdepartmental Coordination Council for Job Creation and Economic Growth	October 11, 2006	31 MoReg 1852
06-36	Governor Matt Blunt creates the Interdepartmental Coordination Council for Laboratory Services and Utilization	October 11, 2006	31 MoReg 1854
06-37	Governor Matt Blunt creates the Interdepartmental Coordination Council for Rural Affairs	October 11, 2006	31 MoReg 1856
06-38	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Employee Career Opportunity	October 11, 2006	31 MoReg 1858
06-39	Governor Matt Blunt creates the Mental Health Transformation Working Group	October 11, 2006	31 MoReg 1860
06-40	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Service Delivery Efficiency	October 11, 2006	31 MoReg 1863
06-41	Governor Matt Blunt creates the Interdepartmental Coordination Council for Water Quality	October 11, 2006	31 MoReg 1865
06-42	Designates members of staff with supervisory authority over selected state departments, divisions, and agencies	October 20, 2006	31 MoReg 1936
06-43	Closes state offices on Friday, November 24, 2006	October 24, 2006	31 MoReg 1938
06-44	Adds elementary and secondary education as another category with full membership representation on the Regional Homeland Security Oversight Committees in order to make certain that schools are included and actively engaged in homeland security planning at the state and local level	October 26, 2006	31 MoReg 1939
06-45	Directs the Department of Social Services to prepare a Medicaid beneficiary employer report to be submitted to the governor on a quarterly basis. Such report shall be known as the Missouri Health Care Responsibility Report	November 27, 2006	32 MoReg 6

Executive Orders	Subject Matter	Filed Date	Publication
06-46	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	December 1, 2006	32 MoReg 127
06-47	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	December 1, 2006	32 MoReg 129
06-48	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	December 1, 2006	32 MoReg 131
06-49	Directs the Department of Mental Health to implement recommendations from the Mental Health Task Force to protect client safety and improve the delivery of mental health services	December 19, 2006	32 MoReg 212
06-50	Extends the declaration of emergency contained in Executive Order 06-46 and the terms of Executive Order 06-48 through March 1, 2007, for the purpose of continuing the cleanup efforts in the affected Missouri communities	December 28, 2006	32 MoReg 214

The rule number and the MoReg publication date follow each entry to this index.

ADJUTANT GENERAL

National Guard
educational assistance program; 11 CSR 10-3.015; 8/1/07

ADMINISTRATION, OFFICE OF

direct deposit of payroll requirements; 1 CSR 10-8.010; 6/15/07

ADMINISTRATIVE HEARING COMMISSION

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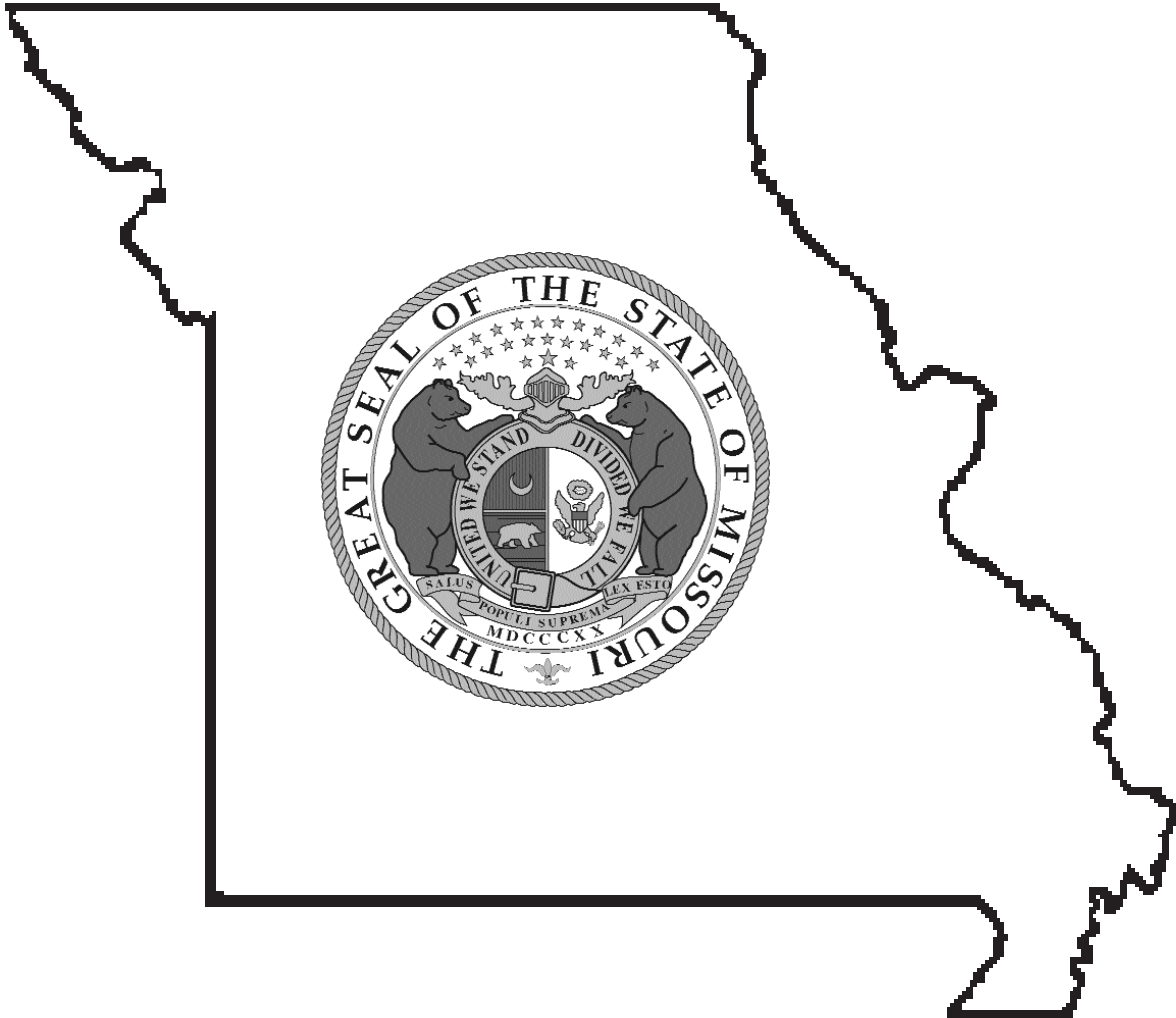
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DRAFTING AND STYLE MANUAL



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- Small Business Impact Statement (link provided)

FILING RULE TEXT AND FISCAL NOTES

The Administrative Rules Division is now working on a new system for filing rules electronically. In preparation for that system we would like to have agencies begin including a copy of fiscal notes in the electronic file when the rule text is sent to our email address rules@sos.mo.gov.

Office of the Secretary of State

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Part II 9/17/07

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